

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Dean Leavitt, Chairman
Nelson Stone
Jay Aston
Harry Shull

2200 Civic Center Drive
North Las Vegas, NV 89030
BUS: (702) 633-1516
FAX: (702) 649-6091

Marilyn Kirkpatrick, Vice-Chairman
Jo Cato
Steve Brown

Planning Commission MINUTES are available on the internet at:

www.cityofnorthlasvegas.com

June 23, 2004

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall
2200 Civic Center Drive, at 7:00 p.m.

ROLL CALL:

Dean Leavitt - Present
Marilyn Kirkpatrick - Present
Nelson Stone - Absent
Jo Cato-Present
Jay Aston-Present
Steve Brown-Present
Harry Shull-Present

STAFF PRESENT:

Jory Stewart, Planning and Zoning Director
Marc Jordan, Acting Planning Manager
Bob Hoyes, Planner
Lenny Badger, Public Works
Clete Kus, Transportation Services
Steven DiGiovanni, Fire Department
James Lewis, Senior Deputy City Attorney
Tony Taylor, Parks & Recreation
Jo Ann Lawrence, Recording Secretary

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

Recording Secretary Jo Ann Lawrence verified that the Open Meeting Law requirements (NRS 241) had been met.

PLEDGE OF ALLEGIANCE

Commissioner Jay Aston

MINUTES

Approval of the MINUTES for the Planning Commission meeting of June 9, 2004.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to CONTINUE APPROVAL OF THE JULY 9, 2004 MINUTES TO JULY 14, 2004.

The motion carried by UNANIMOUS vote.

The item was CONTINUED TO JULY 14, 2004.

CONSENT AGENDA

A) PW-115-04 (15835) CHEYENNE MARKETPLACE

Accept the Commercial Developments Off-Site Improvements Agreement by Cheyenne Marketplace, LLC, and accept the Performance Bond in the amount of \$618,007.

B) PW-113-04 (15831) NVE CLUB ALIANTE, UNIT 3, PHASE 1

Approve the Subdivision Off-Site Improvements Agreement by North Valley Enterprises, LLC and accept the Off-Site Improvement Bond in the amount of \$515,067.58.

C) PW-114-04 (15834) NVE CLUB ALIANTE, UNIT 3, PHASE 2

Approve the Subdivision Off-Site Improvements Agreement by North Valley Enterprises, LLC and accept the Off-Site Improvement Bond in the amount of \$536,863.69.

Commissioner Jay Aston MOVED and Vice-Chairman Marilyn Kirkpatrick SECONDED to APPROVE Consent Agenda Items A through C.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) AMP-49-04 (15421) PERLITER FAMILY CARE CENTER (Public Hearing)

An application submitted by Gary Guy Wilson Architects on behalf of Ram K. Singh, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to Office. The property is located at 2500 Perliter Avenue. The Assessor's Parcel Number is 139-24-312-076.

RECOMMENDATION:

The Planning and Zoning Department recommends that AMP-49-04 be denied due to non-compliance with the guidelines set forth in the Comprehensive Plan to establish new Office designations.

The application was presented by Marc Jordan, Acting Planning Manager, on behalf of Staff who indicated the applicant was proposing to convert the existing residence into a medical office building. He stated according to the guidelines within the comprehensive Plan, office development should occur adjacent to a 100 foot right-of-way or greater. Civic Center Drive is a 100 foot right-of-way and Perliter Avenue is a 60 foot right-of-way and the access proposed to this project is from Perliter Avenue. He also stated office development should be no smaller than 2.5 acres and the property in question is 5,959 square feet, which is less than one acre for the project. Mr. Jordan stated based on the accompanying PUD the applicant is proposing, Staff has concerns for the applicant's lack of ability to develop the property within the Commercial Design Standards. Based upon the guidelines in the Comprehensive Plan, Staff is recommending denial of AMP-49-04.

Les Travis, 7625 South Industrial Road, Las Vegas, NV 89139 appeared on behalf of the applicant. He introduced Gary Guy Wilson and Katie Halvorson who also appeared on the applicant's behalf.

Katie Halvorson, 7653 Velvet Mist, Las Vegas, NV 89131 stated the desire was to have the property rezoned commercial in order to open a medical facility. She stated the proposed plan for the facility was to have a reception area, a waiting area, two patient rooms, an office and a restroom. She stated there would be only one physician working at the facility. She thanked Staff for all their hard work and stated Dr. Singh was prepared to meet all of Staff's recommendations on the subject of the rezoning request. Ms. Halvorson also stated it was believed five parking spaces would be adequate for the facility.

Mr. Travis showed an exhibit that demonstrated some of the conditions that were identified that would assist in obtaining approval on the property.

Gary Wilson, Architect, 7625 South Industrial Road, Las Vegas, NV 89139 showed the site plan on the proposed project. He stated they planned on demolishing the storage area and carport in order to provide access to the property. They are fully expecting to provide 14.5 feet of landscape frontage with berms and trees. Around the perimeter there is an 18 foot drive into the parking lot at the north end with additional parking for handicapped at the south end. There is also a five foot landscape berm along the concrete block wall.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- James Hamilton, 1009 Stoney Peak Avenue, North Las Vegas, NV 89031 stated he was in favor of this project.
- Betty Hamilton, 1009 Stoney Peak Avenue, North Las Vegas, NV 89031 stated Mr. Singh was an excellent doctor and she was in favor of this project.

- Nancy R. Morelock, 728 Arrowhead Trail, Henderson, NV 89015 stated she and her husband are business owners in North Las Vegas and she stated she was concerned about there not being enough medical care providers in North Las Vegas. She stated this would be a great help to the residents of North Las Vegas.

Commissioner Jo Cato asked Staff if it was the number of employees and physicians that determines how much parking was required. Acting Planning Manager Marc Jordan stated the Planner had been in contact with the applicant who indicated there would be one doctor and three employees. He stated under the zoning ordinance parking requirements, four spaces were needed for each doctor and one space for each employee; therefore, if there are four personnel working out of the facility, that would leave one parking space for customers.

Commissioner Cato asked the applicant how many employees there would be. Ms. Halvorson stated the need for Staff had been reevaluated and based on the doctor seeing patients in half hour increments, two Staff would be adequate.

Vice Chairman Kirkpatrick asked Sr. Deputy City Attorney Jim Lewis how the number of Staff could be determined and enforced. Sr. Deputy City Attorney Jim Lewis stated he was not sure how that would be enforced. He stated maybe Code Enforcement could stop by to check how many employees there were.

Vice Chairman Kirkpatrick asked the applicant if they were planning to remodel the building so it would look like a business. Mr. Travis stated it was the applicant's intent to remodel the building to be consistent with the surrounding environment. He also stated they used parameters provided to them through working with Staff in terms of the content of the landscaping. He stated there were plans to place palms on the street, and the perimeter of the adjacent property is proposed to be 24" box trees.

Chairman Dean Leavitt stated he appreciated the doctor's patients coming and speaking on behalf of the quality of his service. He stated he was primarily concerned with lack of parking. Ms. Halvorson stated this area of North Las Vegas was in desperate need of medical care.

Mr. Wilson stated they were short one parking stall and stated it had been discussed with the applicant and they had no problem with two Staff people parking in tandem on the far end of the property. He stated they would be willing to add that as a condition, which would leave three open spaces for patients.

Commission Harry Shull asked how many parking spaces were required for a doctors office in a building of this size. Acting Planning Manager Jordan stated it was not based on size, it was based on the number of doctors and employees. In this case it was four spaces for each doctor and one space for each employee. Commissioner Shull confirmed that seven spaces were needed. Mr. Jordan stated from what was indicated to Staff, they would need seven spaces. If there were two employees, it would bring the number down to six. Mr. Shull asked if there was street parking available and if it was possible to add parallel parking spaces in lieu of the five foot landscape buffer. It was stated there would be room.

Acting Planning Manager Marc Jordan stated that based on the site plan, the applicant was only proposing a 19 foot drive isle, then the five foot landscape buffer. The landscape buffer is to buffer the commercial development from the adjacent residential. He stated Staff had serious concerns about eliminating that buffer. He also stated even if parallel parking was provided there, the spaces would have to be at least 10 feet wide, which would then decrease the drive isle width and since that is proposed a two-way drive isle, it would make it difficult for cars parked on the north side of the building to back up and be able to maneuver to exit the parking lot and if cars were parked in tandem on the north side, any cars in the space would not have the ability to back up.

Vice-Chairman Kirkpatrick asked the applicant if it was feasible to continue the item to try to work out the details with Staff. Mr. Wilson stated they had to submit for design review after the hearing and thought maybe the parking stipulations could be a condition of that.

Mr. Jordan stated if the applicant desired to pursue this as a medical facility, Staff would rather see the item be continued so the issues could be worked out. He stated that even if a portion of the landscaping were removed for parallel parking, with the 18 foot drive isle and then adding another five feet for a parking space, five feet for the new parking space and five feet where the landscaping was, that would reduce the drive isle to 13 feet and this is supposed to be a two-way drive isle. Drive isles are normally 24 feet in width. Mr. Jordan stated this site should not be used for medical offices. He stated if it was the desire of the Commission to approve this application, it should only be approved for professional office, specifically prohibiting medical uses on the site, then the parking would be based on office. He asked the Commission to keep in mind that Staff was reviewing the site design and the proposal, they were not indicating there is not a need for doctors in North Las Vegas, it is that the site does not lend itself for that type of use.

Commissioner Jo Cato asked if the Board decided for a continuance, if there was anything on the design that could be worked through to get adequate parking. Mr. Jordan stated he didn't see how it could be accomplished as there was only 14 feet of landscaping near Civic Center where 20 is normally required, five feet on the north and east property line where 20 feet is normally required, the drive isle is 18 feet where 24 is normally required and they already asked for several deviations from the Commercial Design Standards.

Chairman Leavitt closed the Public Hearing.

Commissioner Jo Cato asked if in the past the guidelines had been deviated from to accommodate medical facilities. Mr. Jordan stated in the past, in this location, there have been no deviations in the parking. He stated there had been two fairly new developments, but they were professional not medical. He also stated there was a project on Reynolds and Civic Center. There were three buildings in which they were proposing professional office and medical, but according to the information given to Staff, the parking requirements had been complied with.

Commissioner Kirkpatrick asked Mr. Jordan if, according to Condition No. 10, the burden of adding additional parking spaces was on the applicant. Mr. Jordan stated that was correct. The applicant would need to show how the parking was incorporated into the design that was approved.

Commissioner Shull asked if the applicant's consent was needed for a continuance. Sr. Deputy City Attorney Jim Lewis stated it was not needed.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to CONTINUE AMP-49-04 TO JULY 14, 2004.

The motion carried by UNANIMOUS vote.

The item was CONTINUED TO JULY 14, 2004.

2) ZN-58-04 (15419) PERLITER FAMILY CARE CENTER (Public Hearing)

An application submitted by Gary Guy Wilson Architects on behalf of Ram K. Singh, property owner, for a reclassification of property from an R-1 Single-Family Residential District to a PUD Planned Unit Development District consisting of one (1) medical office building. The property is located at 2500 Perliter Avenue. The Assessor's Parcel Number is 139-24-312-076.

RECOMMENDATION:

The Planning & Zoning Department recommends that ZN-58-04 be **denied** because the proposed development does not meet the minimum development standards.

Commissioner Harry Shull MOVED and Vice-Chairman Marilyn Kirkpatrick SECONDED to CONTINUE ZN-58-04 TO JULY 14, 2004.

The motion carried by UNANIMOUS vote.

The item was CONTINUED TO JULY 14, 2004.

3) ZN-61-04 (15520) SUN CITY ALIANTE UNIT 10, PHASE 2 (Public Hearing)

An application submitted by North Valley Enterprises, LLC, property owner, for a reclassification of property from a MPC Master Planned Community District to an R-1 MPC Single-Family Residential/Master Planned Community District. The property is located at the northeast corner of Elkhorn Road and Widewing Drive. The Assessor's Parcel Number is 124-17-710-003.

RECOMMENDATION:

The Planning and Zoning Department Recommends that ZN-61-04 be approved and forwarded to City Council with a recommendation for permanent zoning to the R-1/MPC, Single-Family Residential Master Planned Community District.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who indicated Staff is recommending approval of this item.

Robert Gronauer, of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and concurred with Staff recommendations.

Chairman Dean Leavitt opened the Public Hearing. There were no participants.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston MOVED and Commissioner Harry Shull SECONDED to APPROVE ZN-61-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

4) ZN-62-04 (15521) SUN CITY ALIANTE UNIT 9 (Public Hearing)

An application submitted by North Valley Enterprises, LLC, property owner, for a reclassification of property from a MPC Master Planned Community District to an R-1 MPC Single-Family Residential/Master Planned Community District. The property is located north of Elkhorn Road and east of Widewing Drive. The Assessor's Parcel Number is 124-17-612-003.

RECOMMENDATION:

The Planning and Zoning Department recommends that ZN-62-04 be **approved** and forwarded to City Council with a recommendation for permanent zoning to the R-1/MPC, Single-Family Residential Master Planned Community District.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who indicated Staff is recommending approval of this item.

Robert Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and concurred with Staff recommendations.

Commissioner Jay Aston MOVED and Commissioner Jo Cato SECONDED to APPROVED ZN-62-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

5) T-1107(15518) SUN CITY ALIANTE, UNIT 10, PHASE 2

An application submitted by North Valley Enterprises, LLC, property owner, for approval of a tentative map in a MPC Master Planned Community District (proposed R-1 MPC Single-Family Residential/Master Planned Community District) consisting of 100 single-family dwellings. The property is located north of Elkhorn Road and east of Widewing Drive. The Assessor's Parcel Number is 124-17-710-003.

RECOMMENDATION:

The Planning and Zoning Department recommends that T-1107 be approved with the following conditions:

1. The modified stub street, which features a minimum back of curb radius of 24 feet, is limited to a maximum lot frontage of four and a maximum length of 150 feet, as measured from the back of curb of the intersecting street to the back of curb at the furthest point of the cul-de-sac. Any cul-de-sac exceeding these standards shall provide a standard cul-de-sac design or the "Offset cul-de-sac" as presented in Exhibit 39 in the Appendix of the *North Las Vegas Community Development Standards* for Aliante.
2. Approval of a drainage study that conforms to the Overall Master Conceptual Drainage Study is required.
3. The applicant shall submit a traffic study update for review and approval.
4. All common elements shall be labeled and are to be maintained by the Home Owners Association.
5. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
6. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
7. That the required "landscape/sidewalk zone" as specified in the North Valley Development Agreement shall be shown on the final map and proof of a maintenance mechanism be demonstrated to the City prior to recordation of the final map.
8. All lots shall conform to the minimum lot size requirements as specified in the North Valley Development Agreement.
9. Unless expressly authorized through a variance, waiver or another approved method; the development shall comply with all applicable codes, ordinances, and design standards.

The application was presented by Marc Jordan, Acting Planning Manager, on behalf of Staff who indicated Staff is recommending approval with listed conditions.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and concurred with Staff recommendations.

Commissioner Jay Aston MOVED and Commissioner Harry Shull SECONDED to APPROVE T-1107 per Staff recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

6) T-1108 (15519) SUN CITY ALIANTE UNIT 9

An application submitted by North Valley Enterprises, LLC, property owner, for approval of a tentative map in a MPC Master Planned Community District (proposed R-1 MPC Single-Family Residential/Master Planned Community District) consisting of 245 single-family dwellings. The property is located north of Elkhorn Road and east of Widewing Drive. The Assessor's Parcel Number is 124-17-612-003.

RECOMMENDATION:

The Planning and Zoning Department recommends that T-1108 be approved with the following conditions:

1. The property owner is required to grant a drainage easement to be privately maintained for lots "D" and "E".
2. Approval of a drainage study that conforms to the Overall Master Conceptual Drainage Study is required.
3. The applicant shall submit a traffic study update for review and approval.
4. All common elements shall be labeled and are to be maintained by the Home Owners Association.
5. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
6. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
7. That the required "landscape/sidewalk zone" as specified in the North Valley Development Agreement shall be shown on the final map and proof of a maintenance mechanism be demonstrated to the City prior to recordation of the final map.
8. All lots shall conform to the minimum lot size requirements as specified in the North Valley Development Agreement.
9. Unless expressly authorized through a variance, waiver or another approved method; the development shall comply with all applicable codes, ordinances, and design standards.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who indicated Staff is recommending approval of this item.

Robert Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

Commissioner Harry Shull MOVED and Commissioner Jay Aston SECONDED to APPROVE T-1108 per Staff recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

7) UN-44-01 (15498) EL CAMINO BAPTIST CHURCH (Public Hearing)

An application submitted by El Camino Baptist Church, property owner, for an amendment to a previously approved use permit to allow a modular building in an R-E Ranch Estates District to be used as a church. The property is located at 3910 W. Washburn Road. The Assessor's Parcel Number is 124-31-604-010.

RECOMMENDATION:

The Planning and Zoning Department recommends that the request for an amendment to conditions for UN-44-01 be **denied**.

However, if the Planning Commission determines, from the evidence presented, that approval is warranted, the following conditions would apply:

1. Standard Conditions 1, 2, 3, 6, 7, 8, 10, 11, 12, 15, 26, 27 and 31.
2. The development shall comply with the following:
 - a. The building shall be relocated to the street corner.
 - b. Sidewalks shall be provided along any facade featuring a visitor entrance which exits into a parking area or travel lane.
 - c. Sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping.
 - d. A minimum six-foot-wide landscaped island shall be provided for every 15 parking spaces contained in a row and at the ends of every row.
 - e. A minimum 20 feet of landscaping shall be provided along Willis Street and Washburn Road.
 - f. A minimum six-foot-high wall shall be constructed on the property line(s) between the proposed development and the residential properties to the north and east.
 - g. In addition to a solid masonry wall, a landscaped buffer area with a minimum width of 20 feet shall be provided adjacent to the residential properties to the north and east.
 - h. Only monument-type freestanding signs may be allowed. The materials and colors used in construction of the monument sign shall be compatible to those used in the primary building.
 - i. All accessory structures shall take on the character of the main building, and use the same colors, materials and style. Except the proposed modular building shall be constructed as shown on the approved amended site plan and elevation.
3. All two-way drive aisles must be at least 24 feet in width.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who indicated Staff is recommending denial of this item. He explained the applicant was requesting to amend the use permit to allow a modular building to be constructed on the site as the first phase. According to the use permit, originally proposed, the applicant was proposing a main sanctuary development of approximately 8,000

square feet that would accommodate approximately 250 people. It would also have office space and classroom space that would be part of it. The remaining phases would also include additional sanctuary space and additional office and classroom space. Mr. Jordan stated that according to the building plans the applicant submitted, they are proposing a modular building that would be approximately 4300 square feet and would have a stucco exterior with popouts around the windows and doors; however, Staff determined this would be a major change to the existing use permit which requires them to demonstrate to the Commission what was being proposed. Due to the property being in a Ranch Estates District, Staff had concerns whether a modular building would be compatible with the existing area.

Mr. Jordan stated that if the Commission approved the item, Staff was recommending one change to Condition No. 2.i.

Mark Patton, Pastor of El Camino Baptist Church, 5705 Deer Brush Court, North Las Vegas, NV 89031 appeared on behalf of the applicant. Mr. Patton stated he took over as Pastor of the Church and began a review of the paperwork that was originally submitted for use on this property. He stated it was discovered that, financially, they were not able to accomplish the original plan. The Planning Department was contacted to see if the process could be done in reverse. They requested to start with phase three instead of phase one. Mr. Patton stated they had to get an extension of a use permit and on July 9, 2003, in the intent to build, it was proposed to build a 4800 square foot building, rather than the 8,000 square foot building originally proposed. He stated approvals had been received and the off-sites are done and the property is ready to be built on. On March 1, 2004, Planning presented 14 requirements for the use permit and of those, three specifically dealt with the building. It was requested that a color sample be submitted, that the air conditioning units be turned away from Washburn and stucco the building and put popouts on the windows. He was told the use permit would have to be approved by Planning Commission.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- Rivers McIntosh, 3610 Cinnamon Creek Avenue, North Las Vegas, NV 89031 spoke in favor of the project, and stated the church would be a welcome addition to the neighborhood.
- David Genevish, 904 Stable Glen Drive, North Las Vegas, NV 89031 spoke in favor of the project. He stated the church has programs for the community along with the membership.
- Jennifer Lee, 3230 Polaris, Las Vegas, NV 89102 declined to comment.
- Harry Watson, 2104 Ottawa Drive, Las Vegas, NV 89109 stated he was the area missionary for Southern Baptists in the area and El Camino Baptist Church was one of their churches. He spoke in favor of the project.
- Bob Combs, 555 E. El Campo Grande Avenue, North Las Vegas, NV 89031 spoke in favor of the project and stated the church was an asset to the community.

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Marilyn Kirkpatrick asked the applicant if the block wall would be constructed first. Mark Patton stated the block wall was already in. He stated the block wall on the east side was waived because there was a facility going in next to the property for Spanish Baptist Church. Vice-Chairman Kirkpatrick asked if the building had been purchased already. Mr. Patton stated a down payment had been made on the building. Vice-Chairman Kirkpatrick asked when the other phases of the project would be done. She stated

she did not want to set a precedent with modular buildings being installed. Mr. Patton stated there was already a temporary building across the street. Vice-Chairman Kirkpatrick stated that building was a temporary use not permanent. Mr. Patton stated it would probably be two to three years before the other phases were started.

Vice-Chairman Kirkpatrick asked Staff if the landscaping on the entire property would be required in the first phase. Acting Planning Manager Marc Jordan stated it would be required. Mr. Patton stated the landscaping was required on approximately three fourths of the property.

Vice-Chairman Kirkpatrick asked Mr. Jordan if landscaping was required to be installed along Washburn with the first phase. Mr. Jordan stated Staff had no objection with the Commission approving the project with the phasing as proposed as the applicant does not want to have to tear out landscaping to construct the next phase of the project.

Commissioner Jay Aston asked if the building being proposed for the first phase had a flat roof. Mr. Patton responded it did. Commissioner Aston stated he was concerned the project would not be completed. Mr. Patton stated the funding was in place for the project to be completed. Commissioner Aston stated he was concerned about the whole project not being completed. He asked Staff how often the use permit would come back to the Planning Commission. Mr. Jordan stated once the applicant fulfilled the conditions, the use permit would not need to go back to the Commission.

Commissioner Harry Shull asked Staff if a time frame could be put on the use permit, possibly five years. Mr. Jordan stated it would be difficult because after that period of time the applicant would have invested a considerable amount of money into the project and if, in five years, their budget did not allow them to proceed with the second phase, it would be difficult to say they could no longer occupy the property.

Sr. Deputy City Attorney Jim Lewis stated Mr. Jordan was correct. He stated this was an issue of a property right that comes with the use permit. It would be difficult to revoke the use permit due to the investment in the property and the reliance they have on the permit itself.

Vice-Chairman Kirkpatrick asked if the building could have a stucco finish. Mr. Patton stated he had already agreed to stucco the building.

Mr. Jordan stated Mary Aldava, Planner, had been in contact with Mr. Patton and he had agreed to stucco the building.

Commissioner Jo Cato MOVED and Commissioner Jay Aston SECONDED to APPROVE UN-44-01 per Staff recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

8) UN-86-01 (15484) CENTENNIAL MARKET PLACE (Public Hearing)

An application submitted by Mark Lefkowitz on behalf of the Losee Center B LLC and Saint Marks Place, LLC, property owner, for an extension of time to a use permit in a C-1 Neighborhood Commercial District to allow the "on-sale" of alcoholic beverages in conjunction with a bar/tavern. The property is generally located at the northeast corner of Losee Road and Centennial Parkway. The Assessor's Parcel Numbers are 124-24-401-001 and 124-24-401-002.

The application was presented by Bob Hoyes, Planner, on behalf of Staff who indicated Staff is recommending approval this item subject to the following conditions:

1. That subsequent expansions or additions to the use shall be subject to Planning Commission review and approval; and
2. That the development shall comply with all applicable codes and ordinances; and
3. That the use permit is site specific and non-transferable; and
4. That approval of the use permit shall not constitute or imply approval or eligibility of any privileged business license that may be required by the City; and
5. That the use permit shall be valid only upon Planning Commission approval of a site plan for the overall shopping center; and
6. That the development shall be in compliance with Chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance); and
7. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval; and
8. That the civil improvement plans for the project shall include the following:
 - a. Review and approval of the driveway number and location by the City of North Las Vegas Traffic Engineer; and
 - b. Median islands on Losee Road and Centennial Parkway; and
9. The driveways along Losee Road and Centennial Parkway may be limited to right-in and right-out only. Median openings will have a minimum spacing of 660 feet; and
10. Fiber optic conduit as required in road frontages; and
11. Dedication of right-of-way for intersection of Losee Road and Centennial Parkway (201.1 requirements); and
12. Dedication of right-of-way for bus turn-out on Losee Road; and
13. The applicant shall comply with Commercial Development Standards and Design Guidelines; and
14. The applicant shall maintain a floor ratio of 40% to 60% bar to restaurant; and

15. That all right-of-way dedications required by the prior conditions of approval shall be completed within 90 days (of January 8, 2003); and
16. That UN-86-01 shall expire November 28, 2004.

George Garcia 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. Mr. Garcia introduced the applicant, Mark Lefkowitz. He stated he would like to add the meeting room and also make it 50/50 which was the evolving standard. He submitted new wording for Condition No. 14.

Chairman Dean Leavitt opened the Public Hearing. No applicants came forward.

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to APPROVE UN-86-01 per Staff's recommendations with an amendment to Condition No. 14 to read as follows:

Condition No. 14: That the applicant shall maintain a floor ratio of 50% to 50% bar to restaurant; and that tenant improvements for the bar shall include a room of approximately 300 square feet that can be separated from the rest of the facility, either temporarily or permanently through the use of architecturally integrated partitions or other method as approved by Staff to accommodate a private or semi-private function and then function as part of the regular dining area when not used for special functions.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

9) UN-46-02 (15483) CENTENNIAL & PECOS (Public Hearing)

An application submitted by Pecos & Centennial Parkway Trust, property owner, for an extension of time for a use permit in a C-1 Neighborhood Commercial District to allow the "on sale" of alcoholic beverages in conjunction with a tavern. The property is located at northwest corner of Centennial Parkway and Pecos Road. The Assessor's Parcel Number is 124-24-801-008.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff is recommending approval of this item subject to the following conditions:

1. Standard conditions 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 23, 25, 26, 27, 29 and 32.
2. Fiber optic and required in Centennial Parkway and Pecos Road frontages.
3. Dedication of right-of-way for intersection of Centennial Parkway and Pecos Road (201.1 requirements).
4. Dedication of right-of-way for bus turn-out on Centennial Parkway.
5. The applicant shall comply with current Commercial Development Design Standards and Design Guidelines at the time the building permit is sought.
6. The applicant shall comply with all applicable and current conditions of approval prior to issuance of a building permit.
7. Construction shall begin within six months of the date of this approval.
8. A minimum of two windows shall be incorporated into the design of the building. The windows shall be of the same design and size as the windows used elsewhere on the building.
9. The applicant shall submit a detailed floor plan for review and approval by the Planning Commission prior to issuance of a building permit.
10. The applicant shall maintain a floor ration of 40% to 60% ratio, bar to restaurant.
11. The extension of time for UN-46-02 shall expire on November 22, 2004.
12. A minimum of a 300-square-foot meeting room be included.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He introduced Charlie Mack. He stated he concurred with Staff's conditions but also offered a change to Condition No. 10. He stated there was already a meeting room condition but it was not consistent with the previous item, Condition No. 12. He requested the two conditions be changed as presented.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to APPROVE UN-46-02 per Staff's recommendations with the following changes to Condition No. 10 and Condition No. 12 as follows:

Condition No. 10 **The applicant shall maintain a floor ratio of 50% to 50% ratio, bar to restaurant.**

Condition No. 12 **That tenant improvements for the bar shall include a room of approximately 300 square feet that can be separated from the rest of the facility, either temporarily or permanently through the use of architecturally integrated partitions or other method as approved by Staff to accommodate a private or semi-private function and then function as part of the regular dining area when not used for special functions.**

The motion carried by UNANIMOUS vote.

The item was APPROVED.

10) UN-47-02 (15481) CENTENNIAL & PECOS (Public Hearing)

An application submitted by Pecos & Centennial Pkwy Trust, property owner, for an extension of time of a use permit in a C-1 Neighborhood Commercial District to allow a convenience store with gas pumps. The property is located at the northwest corner of Centennial Parkway and Pecos Road. The Assessor's Parcel Number is 124-24-801-008.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff is recommending approval of this item subject to the following conditions:

1. That a traffic study is required; and
2. That a comprehensive drainage study is required; and
3. That dedication of perimeter streets is required and offsite improvements are to be as required by the Director of Public Works; and
4. That approval of this application does not imply a commitment by the City for utility service to the subject property. A utility commitment will only be issued upon compliance with the requirements and conditions set forth in the Utility Service Commitment Policy Guidelines available from the Department of Public Works; and
5. That landscaping shall be provided in accordance with ordinance requirements; and
6. That the driveway location and parking plan shall be subject to review and approval by the North Las Vegas Traffic Engineer; and
7. That the final site development plan shall be subject to site plan review and approval by Staff; and
8. That subsequent expansions or additions to the use shall be subject to Planning Commission review and approval; and
9. That the development shall comply with all applicable codes and ordinances; and
10. That the use permit is site specific and non-transferable; and
11. That approval of the use permit shall not constitute or imply approval or eligibility of any privileged business license that may be required by the City; and
12. That the development shall comply with all applicable requirements of Title 16 and N.R.S. 278; and
13. That a 24-foot paved access road must be constructed to the site from the nearest paved road as required by the currently adopted Engineering Division standard drawings; and
14. That provisions must be made for mitigation of off-site drainage. Additional easements and dedications may be required as necessary for drainage improvements; and
15. That street construction must conform to current engineering standards and City ordinances; and
16. That technical design comments will be made at the time development plans are submitted; and
17. That a water network analysis must be provided prior to development; and

18. That the owner/developer is responsible for extending public utilities to the site; and
19. That the use permit shall be valid only upon Planning Commission approval of a site plan for the overall shopping center; and
20. The development shall comply with Commercial Development Standards and Design Guidelines; and
21. That UN-47-02 shall expire May 22, 2006.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant and stated he concurred with Staff's recommendations.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to APPROVE UN-47-02 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

11) UN-86-04 (15501) MEADOW GOLD DAIRY (Public Hearing)

An application submitted by Young Electric Sign Company on behalf of Southern Foods Group, LP, property owner, for a use permit in an M-2 General Industrial District to allow a 60 foot high sign where 35 feet is the maximum allowed and two waivers to the Industrial Design Guidelines. The property is located at the northeast corner of Mt. Hood Street and Centennial Parkway. The Assessor's Parcel Number is 123-22-801-019.

The application was presented by Marc Jordan, Acting Planning Manager, on behalf of Staff, who stated the applicant is requesting a 60 foot high sign where 35 foot is the maximum allowed and a waiver of the sign criteria, a 400 square foot sign area where 250 square foot is allowed and a waiver of the pole cover requirement. They are requesting the use of an exterior texture on the pole designed to meet the building. Staff is recommending denial of the height requirement as the applicant has not provided a compelling reason to allow additional height in the area. Mr. Jordan stated the zoning ordinance allows sign heights to be 60 feet, provided they are within 1500 feet of a major intersection along I-15 and zoned industrial. When it comes to a waiver of the sign area, Staff is not supporting that as the applicant has not given a compelling reason to support an increase in the sign area. They are allowed a sign that is 250 square feet, which Staff feels is more than adequate to serve the needs of the facility.

Mr. Jordan indicated Staff was recommending approval subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or other approved method, the development shall comply with all applicable codes and ordinances.
2. That the height of the structure shall not exceed 35 feet.
3. That the sign face shall not exceed 250 square feet.
4. The applicant may use a finish on the sign pole which is similar to or complementary to the materials, colors, textures or finishes utilized on the facade of the building.
5. That all required setbacks shall be met.
6. That paved access shall be provided to the base of the pole.
7. That the applicant provide a survey clearly indicating that there are no other existing or approved billboards within 750 feet, no residential districts within 300 feet, and no on-premise signs within 150 feet of the proposed location. A surveyor licensed in Nevada shall be required to stamp the survey.

Mark Zannis of Young Electric Sign Company, 5119 South Cameron, Las Vegas, NV 89118 appeared on behalf of the applicant. He introduced Barry Beaman, General Manager of Meadow Gold Dairies.

Barry Beaman, 6350 East Centennial Parkway, North Las Vegas, NV 89124 explained they purchased 30 acres of property and had developed 20 acres leaving 10 acres for a future site. They are opening the facility at 30 to 35 percent capacity. He stated they were asking for one sign on 30 acres.

Mark Zannis stated one of the key conditions was the 1500 foot distance from the center of the intersection at Hollywood and I-15. He stated the conditions requested by Staff did not allow the opportunity to get other elements completed, paving, etc. He stated if the sign was in the proposed location, the truck drivers delivering to the facility would have a better opportunity to see their destination and not have to make that decision at a point where the road would fork. He stated they felt it was a safety concern for the employees and guests.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston asked where Hollywood was in reference to the property. He asked if it was 1500 foot from the property. Mr. Zannis responded that was correct. Commissioner Aston asked what the elevation of I-15 was in comparison to the property. Mr. Zannis showed a picture of the site elevation along I-15, which showed approximately a 15 to 20 foot difference in height elevation. Commissioner Aston questioned Staff about Title 17 prohibiting a 60 foot sign height and cannot exceed 35 feet. He asked if it was Planning Commission's discretion under unique circumstances to modify or adjust that. Mr. Jordan stated it was up to the Planning Commission's discretion. He also noted it was part of waiving the sign criteria. Commissioner Aston asked the applicant if the purpose of the sign was just to let people know where they are. Mr. Beaman stated they are trying to establish their brand so they will be successful in expanding their facility. One reason they selected that particular site was for visibility and easy access. Commissioner Aston stated he had no objection to going 45 to 50 foot on the sign height but felt the size of the sign was too large.

Vice-Chairman Kirkpatrick asked Staff how high the sign was at the Sisco facility. Mr. Jordan did not know the height but stated they did not request a waiver on the height. Vice-Chairman Kirkpatrick asked if the long-range plans were to be set up like Cranberry World, where kids can take tours, etc. She questioned why such a large sign was needed. Mr. Beaman stated it was due to the number of employees and size of the facility. He didn't feel the sign was too large.

Commissioner Jay Aston MOVED and Vice-Chairman Marilyn Kirkpatrick SECONDED to DENY UN-86-04 per Staff's recommendations.

The motion FAILED with Commissioner Cato, Vice-Chairman Marilyn Kirkpatrick and Chairman Dean Leavitt voting NO.

Acting Planning Manager Marc Jordan stated if the Commission desired to approve this application, Condition No. 7 should be deleted as it pertains to billboards.

Vice-Chairman Marilyn Kirkpatrick MOVED and Chairman Dean Leavitt SECONDED to APPROVE UN-86-04 per Staff's recommendations with the deletion of Condition No. 7.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

12) UN-87-04 (15505) ALIANTE PARCEL 42 (Public Hearing)

An application submitted by American Nevada Corporation on behalf of North Valley Enterprises, LLC, property owner, for a use permit in a C-P MPC Professional Office/Master Planned Community District to allow three (3) office buildings totaling 87,000 square feet; and to allow buildings to be 36 feet in height where 28 feet is the maximum height allowed. The property is generally located south of the Clark County 215 and east of Aliante Parkway. The Assessor's Parcel Number is 124-20-501-004.

The application was presented by Marc Jordan, Acting Planning Manager, on behalf of Staff who indicated as part of the use permit, the applicant was requesting a waiver from the building location criteria. The buildings are to be fronted to the front of the site and the applicant is requesting a waiver to push buildings to the rear of the site. The applicant has indicated the reason for the waiver is to allow the visibility and the views of the park to the south and the rural park adjacent to the site. He stated Staff had no objections to the waiver and Staff had no objection to the height or the size and square footage. According to the site plan, the only area of concern Staff had, was for the pedestrian plaza area. The applicant was proposing plenty of space for the pedestrian plaza; however, Staff would like some seating arrangements and some landscaping. He stated Staff was recommending approval of the use permit subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The site shall comply with the commercial design standards including but not limited to, providing a minimum 327 square pedestrian plaza with seating areas and complementary landscaping; and provide a master sign plan for the parcel; and provide a landscape plan.
3. The applicant shall submit a traffic study update for review and approval.
4. Approval of a drainage study that conforms to the Overall Master Conceptual Drainage Study is required.
5. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
6. The property owner is required to grant a roadway easement for commercial driveway(s).
7. The property owner is required to sign a restrictive covenant for utilities.

Robert Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant. He also introduced Richard Serfas representing American Nevada Corporation. Mr. Gronauer stated he appreciated Staff's recommendations for approval. He presented a proposed elevation for the three office buildings that will total just under 90,000 square feet.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-87-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

13) SPR-27-04 (15503) ALIANTE PARCEL 42

An application submitted by North Valley Enterprises, LLC, property owner, for a site plan review in a MPC Master Planned Community District (proposed Professional Office/Master Planned Community District) to allow three office buildings to be oriented towards the rear of the property where buildings are required to be oriented towards the front of the property. The property is generally located south of the Clark County 215 and east of Aliante Parkway. The Assessor's Parcel Number is 124-20-501-004.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who stated Staff is recommending approval with the following conditions;

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The site shall comply with the commercial design standards including but not limited to, providing a minimum 327 square pedestrian plaza with seating areas and complementary landscaping; and provide a master sign plan for the parcel; and provide a landscape plan.
3. The applicant shall submit a traffic study update for review and approval.
4. Approval of a drainage study that conforms to the Overall Master Conceptual Drainage Study is required.
5. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
6. The property owner is required to grant a roadway easement for commercial driveway(s).
7. The property owner is required to sign a restrictive covenant for utilities.

Robert Gronauer of Kummer, Kaempfer, Bonner & Renshaw appeared on behalf of the applicant. He also introduced Richard Serfas of American Nevada Corporation. He stated they concurred with Staff recommendations.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to APPROVE SPR-27-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

There was a break in the proceedings at 9:15 p.m.

The meeting reconvened at 9:30 p.m.

14) UN-88-04 (15527) CARL'S JR RESTAURANT (Public Hearing)

An application submitted by Gary Guy Wilson Studios on behalf of ASF Investments, LLC, property owner, for a use permit in a C-1 Neighborhood Commercial District to allow a convenience food restaurant with drive thru. The property is located at the southeast corner of Ann Road and Ferrell Street. The Assessor's Parcel Number is 124-32-102-005.

The application was presented by Bob Hoyes, Planner, on behalf of Staff who stated Staff was recommending approval subject to the following conditions with Condition No. 17 changed to read as follows:

The building shall have Coronado Stone Mountain Ledge Dakota Brown in each of the areas around the customer entrances subject to review and approval by Staff.

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
2. That the development of this site be in compliance with the Commercial Development Standards and Design Guidelines; and
3. That UN-88-04 is site-specific and non-transferable; and
4. That a Master Sign Program be submitted for review and approval by the Planning & Zoning Department prior to the issuance of any building permits; and
5. A minimum two bicycle parking stalls shall be provided. Said bicycle rack shall not replace required landscaping and shall not interfere with pedestrian or automobile traffic circulation; and
6. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
7. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
9. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
10. The applicant must abide by all conditions of the approved traffic study.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
12. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
13. A revocable encroachment permit for landscaping within the public right of way is required.
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. The property owner is required to sign a restrictive covenant for utilities.

16. That the elevations for the building be consistent with those submitted, unless otherwise mentioned herein. The building shall include painted stucco exterior finish. Any sloped roofs shall have clay or concrete "S" tiles to match the Simmons Marketplace to the east; and
17. The building shall have Coronado Stone Mountain Ledge Dakota Brown in each of the areas around the customer entrances subject to review and approval by Staff.
18. Exterior roof ladders shall not be permitted. Access to the roof shall be from within the building; and
19. All exposed metal shall be texture painted to resemble stucco; and
20. If fabric awnings are proposed, they shall be Sunbrella material or a suitable alternative acceptable to the City prior to the issuance of a building permit; and
21. Utility vaults shall not be located within required landscape areas; and
22. The development of this site shall be in compliance with all applicable conditions of T-1033 and SPR-20-04; and
23. A minimum 100 square feet of pedestrian plaza area shall be provided as part of this commercial center. Said pedestrian plaza area shall be constructed in conjunction with the development of Pad "B", "C" or "D", whichever is first.

Gary Guy Wilson, Architect, 7625 South Industrial Road, Suite 100, Las Vegas, NV 89139 appeared on behalf of the applicant and stated he agreed with Staff recommendations.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston MOVED and Commissioner Harry Shull SECONDED to APPROVED UN-88-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

15) UN-91-04 (15524) TIRE WORKS (Public Hearing)

An application submitted by Tropicana Auto Center, LLC on behalf of ASF Investments, LLC, property owner, for a use permit in a C-1 Neighborhood Commercial District to allow an automobile service facility. The property is located at the southeast corner of Ann Road and Ferrell Street. The Assessor's Parcel Number is 124-32-102-005.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
2. That the development of this site be in compliance with the Commercial Development Standards and Design Guidelines, with the exception that the building pad location is not required to be at the minimum front setback line and parking / drive aisles are allowed between the building and the perimeter landscaping along Ann Road; and
3. That UN-91-04 is site-specific and non-transferable; and
4. That a Master Sign Program be submitted for review and approval by the Planning & Zoning Department prior to the issuance of any building permits; and
5. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
6. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
8. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
9. The applicant must abide by all conditions of the approved traffic study.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
11. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. That the elevations for the building be consistent with those submitted, unless otherwise mentioned herein. The building shall include painted stucco exterior finish. Any sloped roofs shall have clay or concrete "S" tiles to match the Simmons Marketplace to the east; and

16. The building shall have Coronado Stone Mountain Ledge Dakota Brown in all areas identified as the wainscot and/or "Paint (exterior) / Sherwin Williams, SW1005 'Silverado'" (i.e., "Detail 5") on the submitted elevation drawings; and
17. Exterior roof ladders shall not be permitted. Access to the roof shall be from within the building; and
18. All exposed metal shall be texture painted to resemble stucco; and
19. If fabric awnings are proposed, they shall be Sunbrella material or a suitable alternative acceptable to the City prior to the issuance of a building permit; and
20. A minimum two bicycle parking stalls shall be provided. Said bicycle rack shall not replace required landscaping and shall not interfere with pedestrian or automobile traffic circulation; and
21. Utility vaults shall not be located within required landscape areas; and
22. The development of this site shall be in compliance with all applicable conditions of T-1033 and SPR-20-04; and
23. A minimum 100 square feet of pedestrian plaza area shall be provided as part of this commercial center. Said pedestrian plaza area shall be constructed in conjunction with the development of Pad "B", "C" or "D", whichever is first.

Michael Bradshaw, 3753 Howard Hughes Parkway, Suite 200, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

Chairman, Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt Closed the Public Hearing.

Commissioner Jay Aston MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-91-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

16) UN-89-04 (15528) SIERRA WEST EXPRESS (Public Hearing)

An application submitted by Sierra West Express on behalf of DM Real Estate Holdings, LLC, property owner, for a use permit in an M-2 General Industrial District to allow a motor freight terminal. The property is located at 4535 Statz Street, Suites A and B. The Assessor's Parcel Number is 139-01-201-019.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff and stated Staff is recommending approval of this item with the following conditions:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That the use is site specific to this location.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-89-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

17) UN-90-04 (15526) COLTON & REVERE (Public Hearing)

An application submitted by Signature Homes on behalf of Plaster Development Company, Inc., property owner, for a use permit in an R-2 Two-Family Residential District to allow five (5) single-family dwellings. The property is located at the southeast corner of Revere Street and Colton Avenue. The Assessor's Parcel Number is 139-10-401-005.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff. He stated there was a tentative map approved for R-2 development on this site and they previously had a use permit that would allow three single family homes as a special use. However, when preparing the final map, some of the locations have changed in order to locate houses around some faults and fissures within the area. Duplex units would not be able to be built on them. Therefore, the applicant is trying to utilize the property as much as possible and is proposing some single family homes on the property. All lots would exceed 6,000 square feet in size and with the exception of two lots. The applicant has demonstrated they would comply with the set-backs. The applicant has plenty of room to shift the homes to meet the minimum set-back requirements. Furthermore, the applicant has indicated the type of plans proposed and there is one plan, specifically, the Juniper Plan, that the garage shows an 18 foot width. That garage would need to be redesigned to comply with the 20 X 20 interior dimensions for garages; however, when it comes to the use, Staff has no objections and is recommending approval with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The development of this site be in compliance with all applicable conditions of T-1006.
3. The Use Permit (UN-90-04) is site specific and non-transferable.
4. The maximum number of single-family homes within this development shall be five.
5. The proposed development shall comply with the City's residential development standards and design guidelines, including but not limited to:
 - a. The proposed home locations for Lot 62 and Lot 177 shall be revised to meet the required 10-foot side yard setbacks on the west side and east side, respectively.
 - b. The floor plan for each single-family home allowed under this permit shall provide a garage with internal dimensions of at least 20 feet x 20 feet.
6. The developer shall disclose the locations of all known fissures underlying the single-family lots allowed under this permit to prospective home buyers.

Dean Rasmussen, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Commissioner Harry Shull MOVED and Vice-Chairman Marilyn Kirkpatrick SECONDED to APPROVE UN-90-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

18) FDP-11-04 (15509) ROSEMONT (ANN & FERRELL) RESIDENTIAL

An application submitted by Amstar Homes, on behalf of Carnegie Heights, property owner, for a Final Development Plan review in a PUD Planned Unit Development District, consisting of 79 single-family dwellings. The property is located at the southwest corner of El Campo Grande Avenue and Ferrell Street. The Assessor's Parcel Number is 124-29-401-004.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who stated since it was a PUD, the final development plan is required. The applicant is proposing three different models within the development and each would have three elevations. The applicant is also proposing more than enough open space as part of the development. He stated when the final development plan was originally reviewed, Staff originally recommended a continuance for the applicant to work out some issues regarding the curvilinear streets and the street designs. The applicant has submitted revised plans that addresses those concerns; therefore Staff is recommending approval subject to the conditions on the memo from the Planning & Zoning Department dated June 23, 2004 as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with the conditions set forth in T-1058 and Ordinance No. 1945 (ZN-10-04).
3. That the development of this site be in compliance with the Single-Family Development Standards and Design Guidelines (§17.24.210 NLV Municipal Code), including, but not limited to, all landscaping requirements.
4. That no more than 79 total housing units be permitted within this PUD.
5. Proposed interior, private streets must meet the minimum standards for the City of North Las Vegas set forth in *Clark County Area Uniform Standard Drawing* No. 210. The use of roll curb will require an additional one foot of right of way. (Reference NRS 278A.350.2)
6. The plans shall be revised to comply with *City of North Las Vegas Municipal Code* section 17.24.210.E.9 which states: "Sidewalks are required along all streets. Sidewalks along arterial streets with a right-of-way eighty (80) feet or wider must be separated from the back of the street curb by a minimum of five feet, except in bus turn out areas. Meandering curvilinear sidewalks must be placed within the perimeter landscape area outside of the right-of-way." However, in areas where the sidewalk is placed next to the block wall, the width must be increased to six feet. Landscaping would then be required between the sidewalk and the back of street curb.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
9. All known geologic hazards shall be shown on the tentative map and the civil improvement plans. Geologic hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans.
10. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan* or as otherwise approved by the Director of Public Works or his designee.

11. As section G/D1 is not being used at this time, please remove it from the plan.
12. Approval of a traffic study including queuing analysis is required prior to submittal of the civil improvement plans.
13. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
14. All common elements shall be labeled and are to be maintained by the homeowners association.
15. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
16. Dedication of the following right of way is required:
 - a. 30 feet and associated spandrels on El Campo Grande Avenue
 - b. 30 feet and associated spandrels on Ferrell Street.
17. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.
18. The property owner is required to grant roadway easements where public and private streets intersect prior to civil improvement plan approval.
19. The property owner is required to grant a public utility easement and emergency access easement between lots 3 and 4, and label this area as a common element to be maintained by the homeowners association.
20. The Nevada Power Company easement listed in the preliminary title report as document 980224:01529 recorded February 24, 1998, needs to be shown on the plans.
21. Special Improvement District 57 on both APN 124-29-401-004 and 124-29-401-006 must be paid in full prior to recordation of the final map.
22. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
23. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
24. The Tentative Map number for "Ann and Ferrell Residential" (a.k.a. Rosemont) is T-1058 not T-1085. Please revise the cover sheet accordingly.
25. The developer must provide, at minimum, the following amenities:
 - a. Circuitous lighted paths
 - b. A minimum of 20 24-inch box trees per acre
 - c. At least two (2) differing age appropriate play structures for children with EPDM resilient fall protection, and accompanying shade ramadas
 - d. At least one (1) large open space area for group / organized play
 - e. Three (3) covered picnic tables and barbecue grills
 - f. Benches spaced along park pathways
 - g. Details (cut sheets) of amenities to be provided
 - h. All Open Space amenities are to be ADA accessible

Scott Ruedy, WRG Design, 3011 West Horizon Ridge Parkway, Suite 100, Henderson, NV 89052 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

Commissioner Harry Shull MOVED and Commissioner Jay Aston SECONDED to APPROVE FDP-11-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

19) SPR-28-04 (15510) NORTHERN BELTWAY INDUSTRIAL

An application submitted by Thomas & Mack Company on behalf of MKB Company, property owner, for a site plan review in an M-1 Business Park Industrial District for two (2) buildings totaling 403,000 square feet. The property is located at the northeast corner of Range Road and El Campo Grande Avenue. The Assessor's Parcel Number is 123-28-301-011.

The application was presented by Bob Hoyes, Planner, on behalf of Staff who indicated Staff is recommending approval of this item. Mr. Hoyes stated a letter was received requesting a waiver of the industrial design guidelines to allow an average of one landscape island in the parking areas for every 13 parking spaces. Staff does not object to that request. If the Commission approved this item, there is a change for Condition No. 2 to be read into the record at that time.

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The development of this site shall be in compliance with the Industrial Design Guidelines.
3. Approval of a traffic study is required prior to submittal of the civil improvement plans.
4. The cul-de-sac at the end of Street "A" shall be redesigned to accommodate WB50 vehicles.
5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Range Road and El Campo Grande.
6. Dedication and construction of the following half streets is required per the Master Plan of Streets and Highways and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 1. Range Road
 2. El Campo Grande
7. Provide curb radii at intersections per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.
8. Provide curb radii at driveways per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 225.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
11. A revocable encroachment permit for landscaping within the public right of way is required.
12. The property owner is required to sign a restrictive covenant for utilities.
13. Approval of a drainage study is required prior to submittal of the civil improvement plans.
14. Exterior roof ladders are not permitted. Access to the roofs shall be from within the buildings.
15. Exterior down spouts for roof water drainage are not permitted.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated this was the beginning of a 100 acre industrial park. He stated they would like to average the little peninsula island that project into the parking. There is an average of one for every thirteen spaces and would like to request a waiver for that.

Chairman Marilyn Kirkpatrick asked Staff for clarification on the language for Condition No. 2. Bob Hoyes stated Condition No. 2 would have the following additional wording added to the end:

, with the exception that one landscape island be provided for an average of every 13 parking stalls

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to APPROVE SPR-28-04 per Staff's recommendations with Condition No. 2 amended as follows:

Condition No. 2 The development of this site shall be in compliance with the Industrial Design Guidelines , with the exception that one landscape island be provided for an average of every 13 parking stalls.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

OLD BUSINESS

20) AMP-42-04 (15329) CRAIG & SIMMONS EAST (Public Hearing)

An application submitted by Celebrate Homes on behalf of Clifford J. Findlay, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Community Commercial to MDR Medium Density Residential. The property is generally located at the intersection of Fuselier Drive and Whitney Peak Way. The Assessor's Parcel Numbers are 139-05-601-002, 139-05-601-004, 139-05-601-014, 139-05-601-029 and 139-05-601-031.

Commissioner Dean Leavitt opened the Public Hearing. The following participants came forward:

- Gerald Newbury 2624 Lake Martin Court, North Las Vegas, NV 89031 stated he received a phone call from someone representing Mr. Shull's company, an attorney's office stating the item would be postponed for six months and he did not need to attend the meeting, so people who were opposed to the item are not in attendance, as they also received the phone call.
- John Sponseller, 3106 Dante Court, North Las Vegas, NV 89031 declined to make comments at this time.
- Howard Flebbe, 2632 Lake Martin Court, North Las Vegas, NV 89031 turned in a petition signed by persons who are against AMP-42-04. He also stated he received a phone call from Mr. Shull's legal representative who stated the item would be postponed.

Commissioner Jay Aston MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-42-04 TO JULY 28, 2004.

The motion carried by MAJORITY vote with Commissioner Harry Shull abstaining.

The item was CONTINUED TO JULY 28, 2004.

21) ZN-50-04 (15327) CRAIG & SIMMONS EAST (Public Hearing)

An application submitted by Celebrate Homes on behalf of Clifford J. Findlay, property owner, for a reclassification of property from an R-E Ranch Estates District and C-2 General Commercial District to an R-3 Multifamily Residential District. The property is generally located at the intersection of Fuselier Drive and Whitney Peak Way. The Assessor's Parcel Numbers are 139-05-601-002, 139-05-601-004, 139-05-601-014, 139-05-601-029 and 139-05-601-031.

WITHDRAWN WITHOUT PREJUDICE BY THE APPLICANT

22) AMP-45-04 (15319) LONE MOUNTAIN AND LOSEE (Public Hearing)

An application submitted by R & S Investment Group on behalf of R & S Losee, LLC, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Office to HDR High Density Residential. The property is located at the southwest corner of Washburn Road and Losee Road. The Assessor's Parcel Numbers are 124-35-703-007 and 124-35-803-003.

The application was presented by Bob Hoyes Planner on behalf of Staff who indicated Staff is recommending approval of this item.

Dean Rasmussen of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant. He stated he concurred with Staff recommendations.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- Bob Borgerson, 4751 Possum Berry, North Las Vegas, NV 89032 thanked Staff and the Commission for working on this item and continuing the item so there could be with the citizens. He requested to be notified of the meeting on the project but received no notification. He stated he was not in favor of this project. He felt there were too many multi-family projects in the area and requested the item be denied.
- Eddie Schmidt 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he also was not notified of the community meeting on this project. He also stated he was against more multi-family in the area.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 stated she was not aware of this item and was against multi-family in this area. She stated there was a lack of schools and water and felt the services needed to be increased before more multi-family housing goes in.

Commissioner Harry Shull disclosed he was in the process of acquiring property from R & S Investments but did not feel it would impair his decision on voting on this item.

Dean Rasmussen apologized to Mr. Borgerson for not informing him of the neighborhood meeting. He stated he used the required mailing list from the City for public notification. He stated there were no existing residences in the area that had concerns with the R-3 zoning. He stated he felt Mr. Borgerson was speaking for a broader area than the notification area.

Commissioner Jay Aston asked if the zoning to the west of the property was M-2. Mr. Rasmussen stated it was PUD, 4500 square foot lots. Commissioner Aston asked on the east side it was M-2 and what the acreage below that was. Mr. Rasmussen stated everything on the east side of Losee Road was Industrial. Commissioner Aston asked if there was a drainage easement on the west side. Mr. Rasmussen stated it was a concrete channel over 100 feet wide. Lenny Badger of Development and Flood Control stated it was over 100 feet wide, a very large Regional Flood Control District funded channel. Commissioner Aston stated the Comprehensive Plan map was currently showing office on the property. He stated he felt that in some areas, it made good sense for multi-family and felt it was a good area for multi-family.

Vice-Chairman Marilyn Kirkpatrick asked Tony Taylor of the Parks & Recreation Department if it was a requirement to add on to the master trail system with a new development or if that could be added as a condition. Mr. Taylor responded the applicant was asking for rezoning, he had not talked to them about amenities, open space or anything else at this point because they are requesting with a site plan. Bob Hoyes, Planner, stated a development of this size would require a site plan review for the multi-family complex and that would come before the Planning Commission and that would be the appropriate time for Mr. Taylor to discuss amenities the multi-family complex would be required to provide. Marc Jordan, Acting Planning

Manager stated the trail system was proposed on this channel on the west side which was part of the PUD requirements, so on the east side no further dedication would be required. Vice-Chairman Kirkpatrick clarified there would be 18 units not 25. Mr. Hoyes stated the zoning would allow up to 25 units per acre.

Commissioner Jay Aston asked what the height restriction was on R-3. Mr. Hoyes stated 35 feet. Commissioner Aston commented that would limit the density.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston MOVED and Commissioner Harry Shull SECONDED to APPROVE AMP-45-04 per Staff's recommendations.

The motion failed with Chairman Dean Leavitt and Commissioner Jay Aston voting NO

Commissioner Jay Aston MOVED and Commissioner Steve Brown SECONDED to DENY AMP-45-04.

The motion carried by UNANIMOUS vote.

The item was DENIED.

23) ZN-51-04 (15316) LONE MOUNTAIN AND LOSEE (Public Hearing)

An application submitted by R & S Investment Group on behalf of R & S Losee, LLC, property owner, for a reclassification of property from an R-E Ranch Estates District to an R-3 Multifamily Residential District. The property is located at the southwest corner of Washburn Road and Losee Road. The Assessor's Parcel Numbers are 124-35-703-007 and 124-35-803-003.

The application was presented by Bob Hoyes, Planner, on behalf of Staff. Comments the same as Item No. 22.

Dean Rasmussen of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant. He stated he concurred with Staff recommendations.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- Bob Borgerson, 4751 Possum Berry, North Las Vegas, NV 89032 declined to comment.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment.

Chairman Leavitt close the Public Hearing.

Vice Chairman Marilyn Kirkpatrick MOVED and Commissioner Steve Brown SECONDED to DENY ZN-51-04.

The motion carried by UNANIMOUS vote.

The item was DENIED.

Item No. 26 was heard next.

24) AMP-46-04 (15333) CRAIG & SIMMONS CHURCH (Public Hearing)

An application submitted by Celebrate Homes on behalf of the Roman Catholic Church Las Vegas, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Community Commercial to MDR Medium Density Residential. The property is located at the southwest corner of Red Coach Avenue and Simmons Street. The Assessor's Parcel Number is 139-05-203-001.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- Jamie E. Doschadis, 4540 Rolls Royce Road, North Las Vegas, NV 89031 asked if he could find out before the meeting if an item was requested to be continued.

Planning & Zoning Director Jory Stewart stated an applicant could come to the Commission Meeting to request a continuance.

Chairman Leavitt also stated a request for a continuance may not be granted by the Planning Commission. He also stated in the last State legislature a law was passed that stated if an item was continued three times, the applicant must show just cause for the continuance to be granted.

- John Sponseller, 3106 Dante Court, North Las Vegas, NV 89031 declined to comment at this time.
- James Kroth, 2615 Bed Knoll Court, North Las Vegas, NV 89031 declined to comment at this time
- Howard Flebbe, 2632 Lake Martin Court, North Las Vegas, NV 89031 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he was against multi-family in North Las Vegas. He asked for clarification whether it was the second or third request for continuance that the applicant had to show just cause. Chairman Leavitt stated it was the third request for continuance that just cause must be shown.

Commissioner Jay Aston MOVED and Commissioner Jo Cato SECONDED to CONTINUE AMP-46-04 TO JULY 28, 2004.

The motion carried by MAJORITY vote with Commissioner Harry Shull abstaining.

The item was CONTINUED TO JULY 28, 2004.

25) ZN-53-04 (15332) CRAIG & SIMMONS CHURCH (Public Hearing)

An application submitted by Celebrate Homes on behalf of the Roman Catholic Church Las Vegas, property owner, for a reclassification of property from a C-1 Neighborhood Commercial District to an R-3 Multifamily Residential District. The property is located at the southwest corner of Red Coach Avenue and Simmons Street. The Assessor's Parcel Number is 139-05-203-001.

WITHDRAWN WITHOUT PREJUDICE

Approval of June 9, 2004 minutes was heard next.

26) FDP-08-04 (15264) ANN-LOSEE ROAD

An application submitted by James E. Stroh on behalf of American Land Holdings, LLC and A P C Losee-Ann, LLC, property owners, for a Final Development Plan review in a PUD Planned Unit Development District, consisting of 34,830 square feet of commercial space. The property is located at the northwest and southwest corners of Ann Road and Losee Road. The Assessor's Parcel Numbers are 124-26-802-003 and 124-35-701-013.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff. Mr. Jordan stated the applicant was complying with the parking requirements. Staff noted some concerns with the design of the site. The pads and building should be oriented to the street. The applicant has requested a waiver from that. The foundation landscaping is required next to the facilities and is not proposed; however, the applicant has not requested a waiver. The applicant is also asking for a waiver of the 20 foot landscaping next to the residential property lines. The plan shows 10 feet of landscaping. In addressing the waiver for this item, the applicant has indicated for the building orientation, that it be waived because the site is narrow and that if the building were pushed up to the front set-back, there could be a perception of unsafe parking areas that would be located behind the building away from the street. He stated Staff had no objection to that because the site is narrow and they are supporting the waiver for the building orientation; however, Staff is not supporting the waiver of the landscaping next to the residential property lines. Mr. Jordan stated Staff was recommending approval of the item subject to the condition of approval listed in the revised memorandum dated June 23, 2004 as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the commercial development shall comply with all conditions of approval for ZN-35-03 and UN-01-04.
3. That the commercial development shall comply with Commercial Development Standards and Design Guidelines, except the buildings shall not be located at the front the site.
4. Fire access lanes must be designed and installed in accordance with Fire Code.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Losee Road and Ann Road.
7. Right of way dedication and construction of a flared intersection is required at Losee Road And Ann Road per CCAUSD # 201.1
8. Right of way dedication for a bus turnout is required along the projects' Losee Road and Ann Road frontages.
9. The number of driveways and their locations are subject to the review and approval of the City Traffic Engineer and must meet the standards set forth in the NLV Municipal Code.
10. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.

11. A revocable encroachment permit for landscaping within the public right of way is required.
12. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. All known geologic hazards shall be shown on the tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans.
16. Approval of a drainage study is required prior to submittal of the civil improvement plans.
17. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
18. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
19. Show the limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A on the tentative map.

Jim Stroh of JSA Architect, 1955 Pama Lane, Las Vegas, NV 89119 appeared on behalf of the applicant. He stated he concurred with Staff's recommendations of approval on the primary application and the waiver of the building orientation.. He also asked for the Commission's approval of the landscape waiver. He read a portion of a letter from Pardee Homes and addressed to the former Planning Director regarding the landscape waiver:

This letter is in support of the referenced planning action including the application for a waiver of the landscaping buffer along the west, north and south edges of the development. Pardee Homes of Nevada is developing the adjacent residential properties. As such, we are the entity most impacted by the requested reduction in landscape buffer width. We do not object to this reduction, having obtained an agreement with the adjacent commercial developer, to provide double the number of trees required by the ordinance within these buffers.

Mr. Stroh stated Pardee had found, based on this letter, that the trees are more valuable than the width in terms of the buffer. He stated Mr. Jordan was correct about putting public parking behind the building would give the perception of an unsafe area. However, employees could park behind the building and provide an appropriate level of lighting and safety for the employees.

Commissioner Jay Aston asked if the applicant had an opportunity to review the conditions of approval. Mr. Stroh stated he accepted all the conditions imposed by Staff but would like approval of the landscape waiver. Commissioner Aston asked if the condition addressed the landscape waiver. Marc Jordan, Acting Planning Manager responded the condition did not address the landscape waiver as Staff was not supporting it. He confirmed that the only issue was the landscape waiver with the applicant. Mr. Jordan responded that was correct. If there was a desire by the Commission to approve the waiver, then Condition No. 3 would need to be amended to include that.

Mr. Stroh stated he spoke to Mary Aldava, Planner, and she stated the required number of trees adjacent to residential was one per 20 feet and based on their agreement with Pardee Homes they would be providing one tree every 10 feet on center and would accept a condition to that effect. Commissioner Aston asked how many employees the tavern would have. Mr. Stroh stated he did not know but more than the number of parallel spaces indicated on the north side of the building. Commissioner Aston asked what the building next door to the tavern was. Mr. Stroh said they would be general retail tenants. He also noted there was a deep landscape buffer adjacent to the building. Commissioner Aston stated he agreed with Staff recommendations.

Chairman Dean Leavitt commended Mr. Stroh for consulting with the neighboring property owners but stated he also agreed with Staff recommendations.

Commissioner Harry Shull stated that as a developer, he would rather have the intensity in the trees and stated he didn't have a problem approving the waiver.

Commissioner Steve Brown asked why the developer was reluctant to put in the full amount of landscaping. Mr. Stroh stated it was to increase the parking. Commissioner Brown stated the parking was not needed. Mr. Stroh stated he believed the tavern would require more parking spaces than the guidelines required. Commissioner Brown stated, that although full landscaping would be nice, it is behind the tavern and trees 10 foot on center, full grown, would provide a nice noise buffer for anybody on the other side but it does contradict the standards.

Commissioner Jo Cato stated she agreed with Commissioner Brown and Commissioner Shull. She felt the landscape was behind the tavern and 10 foot on center was a good buffer to the residential area. She stated she would support a waiver of the landscape requirements.

Vice-Chairman Marilyn Kirkpatrick asked Staff close the project was to the nearest residence. Mr. Jordan responded that the plans for the area behind the project have not been finalized and at this time it is still in a conceptual stage which could change in the future. Vice-Chairman Kirkpatrick asked the name of the Tavern. Mr. Stroh stated he did not know.

Commissioner Shull asked Mr. Jordan if the property behind this project was a PUD. Mr. Jordan responded that was correct. This project was part of the PUD. Commissioner Shull stated there could be additional landscaping as a buffer for the open space between this project and the higher use area.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to APPROVE FDP-08-04 per Staff recommendations with the modification to Condition No. 3 to allow the reduction in the landscape buffer with a increased density of trees of one every 10 feet.

The motion failed with Chairman Dean Leavitt, Commissioner Jay Aston and Vice-Chairman Marilyn Kirkpatrick voting NO.

Vice-Chairman Marilyn Kirkpatrick stated she believed the name of the project was Timbers and Mr. Donner said he would not ask for any waivers and she would not be supporting the request for a waiver.

Mr. Stroh asked for clarification on whether the item could be approved.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jay Aston SECONDED to APPROVE FDP-08-04 per Staff recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

27) T-1101 (15371) NOVAK/AZURE

An application submitted by Richmond American Homes, on behalf of GPA Partners, property owner, for approval of a tentative map in an M-2 General Industrial District (proposed PUD Planned Unit Development District) consisting of 78 single-family dwellings. The property is located at the northeast corner of Azure Avenue and Novak Street. The Assessor's Parcel Number is 123-29-101-007.

The application was presented by Marc Jordan, Acting Planning Manager on behalf of Staff who indicated Staff is recommending approval of this item subject to the conditions listed in the memo from the Planning & Zoning Department dated June 23, 2004 as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. ZN-42-04 must be approved by the City Council; otherwise, T-1101 will be considered null and void.
3. Compliance with all conditions of approval for ZN-42-04.
4. Interior streets in excess of five hundred (500) feet shall conform to the minimum curvilinear street requirements as outlined in the *North Las Vegas Municipal Code 16.20.050*.
5. Per the Clark County Regional Flood Control Master Plan, a public drainage easement or right-of-way dedication is required for the flood control channel adjacent to the UPRR right-of-way, as determined by an approved technical drainage study. Should the applicant desire to count this area as open space, the Regional Flood control facility may be placed underground within a drainage easement at the expense of the developer.
6. The size and location of any drainage easements shown are contingent upon drainage study approval.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
9. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
10. The drainage and utility easement must be revised to a pedestrian access/public utility easement that conforms to *North Las Vegas Municipal Code 17.24.210.D.4.a*.
11. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.
12. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
13. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
14. The property owner is required to grant roadway easements where public and private streets intersect.
15. All common elements shall be labeled and are to be maintained by the Home Owners Association.

16. All perimeter walls shall be maintained by the Home Owners Association.
17. Approval of a traffic study is required prior to submittal of the civil improvement plans.
18. The installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording the final map.
19. The developer is to provide, at a minimum, the following amenities in the open space area:
 - a. Circuitous lighted paths.
 - b. A minimum of 20 24-inch trees per acre.
 - c. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada.
 - d. At least one large open space area for group /organized play.
 - e. One large group shade area / gazebo (30' diameter), lighted.
 - f. Picnic tables and barbecue grills.
 - g. Benches spaced along park pathways.
 - h. Details of amenities to be provided.

Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated she concurred with Staff's revised and approved conditions.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Chairman Dean Leavitt SECONDED to APPROVE T-1101 per Staff recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

28) AMP-39-04 (15163) CRAIG & KINGS HILL (Public Hearing)

An application submitted by KB Home Nevada, Inc., on behalf of Craig Commerce Plaza LP, #2, #3, #4 and #5, property owners, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Community Commercial to MHDR Medium -High Density Residential. The property is generally located east of Kings Hill Road and approximately 260 feet south of Craig Road. The Assessor's Parcel Numbers are 139-03-311-002, 139-03-311-003, 139-03-311-004, 139-03-311-005 and 139-03-311-006.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending denial of this item.

Bob Gronauer, of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant. He introduced Mr. Greg Walker, the attorney representing the property owner who was there to answer any questions regarding the property. He explained the property was already master planned for Community Commercial uses and is also zoned for C-1 use and was approximately 20 acres. However, the piece of property that is proposed to be changed to Medium High Density, is approximately 13.6 acres just south of Craig Road, between Commerce Street and Kings Hill. The Craig Ranch Golf Course is across the street. To the East are the compact single-family lots and to the west are single-family residential developments and just to the south it is bordered with existing multi-family development and further south there is some single-family development. He stated the proposed development was known as a tri-plex development which is a single-family attached home. With the architectural features, they look like larger single-family homes. The only difference is, there are three separate homes and three separate ownerships within one building. The existing buildings are two story, ranging in square footage from 1200 square feet in excess of 1700 square feet with about five different floor plans. The cost of these homes will be marketed from the mid-\$150,000's to approximately \$185,000.

Mr. Gronauer stated in trying to address some of the neighbors concerns, a few adjustments had been made to the building locations. Some parking areas had been removed and are now driveways, have created more of an open-space area which is to the north side of the project along Commerce Street. He stated they would agree to the landscaping requirements of 20 feet with a five foot meandering sidewalk and basketball court, a half-court sports court located along Kings Hill Road along the northern portion of the property. There is a pool and other amenities in the development. In addition, the neighbors wanted a decorative block wall to be at a minimum of eight feet in height and they are agreeable to that.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he felt this project was unique and there may be a market for it. He stated KB Homes had worked diligently to gain the neighboring communities support and try to accommodate the neighbors' ideas.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 stated she had issues on the amount and size of the project. They would like the number of units per acre reduced. She did not feel the City or the neighborhood was ready for a project of this size. She stated she was leaning toward being against the project.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 stated the neighbors had been working diligently with the developer on the project but she had some valid concerns with the project, that there is no entryway to Craig Road, the entrances and exits would be onto 60 foot right-of-ways into other developments and 168 units was too many. She stated she didn't feel there were services available to accommodate multi-family.

Bob Gronauer thanked the neighbors for their concerns and input. He stated it was their intent to continue to meet with the neighbors between the Planning Commission and City Council one way or the other. He stated Commerce Street was an 80 foot right-of-way. The School District has been active over the years in

securing school sites and being protective of the impact on schools. One of the things done to address the issue, was an impact statement required by the School District. It was submitted to the School District and it was approved that the project would not have an impact to the schools in the area. He stated they were working on lowering the density and would have final figures when the item goes to City Council. He stated it was their intent to work with the neighbors on the density and address other minor issues they had.

Commissioner Leavitt closed the Public Hearing.

Commissioner Jo Cato thanked Mr. Gronauer for working with the residents on this project. She stated she supported this project but understood the residents' concerns on the amount of density.

Commissioner Jay Aston asked Staff what effect this development would have on the commercial site remaining. He asked if the portion that was left would meet the Commercial Design Guidelines. Bob Hoyes stated the portion left would be approximately 227 feet from Craig Road right-of-way so a strip 227 feet deep by the full length of Craig Road between King's Hill and Commerce Street. The drainage channel underground is approximately a 40 foot easement which runs parallel with Craig Road along the front side of the property. He stated a commercial development would ask for a waiver of the design standards for the pad developments to be set back away from the minimum front set-back as buildings would not be allowed over the structure. As a result of that, there would be strip commercial left. He stated if this application was approved, it would leave possibly six pads along Craig Road and it was conceivable that each pad would come in individually with a different design. The City is trying to get away from strip commercial, with the Commercial Design Standards, the criteria and the Comprehensive Plan dictate otherwise that we should be looking for more nodes and that type of commercial development whereas this would leave no other option but strip commercial.

Commissioner Aston asked if the applicant had a response. Mr. Gronauer stated when the site was being designed, it was designed for two purposes. One was obviously for a major 20 acre commercial center with an anchor tenant and potentially for development on the front portion of Craig Road and some type of residential between the proposed commercial and multi-family.

Greg Walker, 4496 South Pecos Road, Las Vegas, NV 89121 stated the drainage channel was a large expense to his client. He stated there was a detailed set of CC&R's in place for this project. He stated this project was different in character from a typical strip mall because of the separation of the pads and the way it has been designed.

Commissioner Aston asked Lenny Badger of Development and Flood Control when the drainage channel was constructed, if there was a design process that it needed to go through for the approval process. Mr. Badger stated that was correct. At the time this project came in for the design, the parcels, as they were laid out, were just as they are with the smaller lots. But, when this was being designed, they had never seen anything proposed like this project with the multi-family. It was all assumed to be one large commercial subdivision. Mr. Badger stated this was the first proposal he had seen for multi-family. He stated, at the time, there was talk about it being more like a large box anchor product with smaller pads out front. He stated what was important to the developer was being able to park over the flood control structure because the Regional Flood Control District originally proposed it as an open channel, so it was to the benefit of the property to enclose the structure so it could be used for parking.

Commissioner Aston asked if more of the expense went to the developer was due to the desire to enclose the channel. Mr. Badger stated that was true.

Commissioner Aston asked if that was in 2003. Mr. Walker stated that particular site plan was 2003. Commissioner Aston asked if the property owner's intent was for commercial just on Craig Road. Mr. Walker stated the original intent was for a big box development in the back if possible. He stated his client had been marketing those lots aggressively for over three years with no success. Commissioner Aston questioned Staff

if they had seen this design before. Mr. Hoyes stated Staff had not seen this site plan. He stated there had been discussions with the applicant and there were several discussions as to what would ultimately be built or what Staff felt about one proposal or another. So there have been several iterations of design but as far as the actual site plan before the Planning Commission tonight, this would be the first of that nature. Commissioner Aston stated he asked that question because there are some issues and concerns with this site plan relative to the proposed application for the three-plex. Mr. Gronauer asked what the issue were with the current site plan. Commissioner Aston responded in our documentation there was concerns being raised with what it would do to the commercial strip left. Commissioner Aston was concerned that Staff had not had a chance to look at the plan for that. It seemed that would help on Staff's end to get closer to a position where they had input in the overall feel of this site. Mr. Gronauer stated he had spoken to the property owner and Mr. Gold. He stated his understanding was that this had been discussed and he was told their intent was to meet the commercial guidelines.

Commissioner Aston asked if some of the buildings had already been started. Mr. Gronauer stated there was a convenience store with a car wash. He stated KB Homes had increased the open space in that area so there was not a building close to a car wash. Mr. Walker stated the building permits had not been issued on the convenience store and the other pads were not in development. Commissioner Aston asked if the only access to the proposed development was on Commerce Street and King's Hill and Mr. Gronauer responded that was correct. Commissioner Aston asked Staff if the project were approved and they had a comfort zone that the design guidelines would be met, if that would resolve some of the concerns as far as the commercial piece that was left. Mr. Hoyes stated during one of the phone conversations leading up to this application, one of the interests expressed by Staff was to introduce a concept that North Las Vegas has not seen and that was one of a more true mixed use where you have residential integrated with the commercial. He stated Staff was not opposed to one or the other but present something that could be of interest as far as the commercial and the residential something similar to the District and Green Valley at Green Valley Ranch something where there is a true mixed use development. He stated they were interested to see how the commercial would be developed. He stated they would support a waiver of the design standards to push the building away from the street front. But, as far as how the overall commercial strip would be developed, they were curious to see how that would evolve as far as satisfying the commercial design guidelines. He stated Staff had not seen the site plan presented at the podium tonight; it was not same site plan that was in the application packet.

Commissioner Harry Shull stated he agreed with the residents. This is a new product type that came into the marketplace and it would meet the needs of the people with the cost of housing. He stated he was in favor of the project. He felt the commercial strip could be dealt with in the future when it was developed.

Commissioner Steve Brown asked Staff if the AMP were denied, what could be done with the property to the South, if it could it be used as commercial so this application has to do with just the area south and nothing to do with what's adjacent to Craig Road. Mr. Gronauer stated that was correct. The application was just for the southern portion.

Commissioner Brown questioned that they were asking for 168 multi-family units going in and they were asking for medium-high density on the AMP. He asked if 168 homes could go in with medium-density residential. Mr. Gronauer stated medium-density residential would only allow 10 dwelling units per acre. They are currently at 12.4 dwelling units per acre and that is why they are asking for medium-high density residential. He stated they also have a planned unit development application where a fixed unit count can be specified .

Mr. Walker pointed out that the site plans were proposed only.

Vice-Chairman Kirkpatrick asked Staff if the property remained commercial, if it would be noticed as a public hearing if there was a special use involved. Mr. Hoyes stated if it came in as one development, it was likely

it would be a Planning Commission item as a site plan review not a public hearing.

Mr. Hoyes stated Staff was neither opposed or in favor of this application, they are interested in seeing how the whole site develops because as soon as mixed uses are introduced, then you introduce buffer requirements that would not be required if it were one use. He stated since Staff had not seen the site plan submitted tonight they would like the item continued to allow Staff to review the plan and perhaps discuss some further issues as far as how the remainder of the site would be developed.

Commissioner Steve Brown MOVED and Commissioner Harry Shull SECONDED to APPROVE AMP-39-04 per Staff's recommendations.

The motion carried with a MAJORITY vote with Commissioner Jay Aston voting NO.

The item was APPROVED.

29) ZN-48-04 (15183) CRAIG & KINGS HILL (Public Hearing)

An application submitted by KB Home Nevada, Inc., on behalf of Craig Commerce Plaza LP, #2, #3, #4 and #5, property owners, for a reclassification of property from a C-1 Neighborhood Commercial District to a PUD Planned Unit Development District consisting of 168 multi-family units. The property is generally located east of Kings Hill Road and approximately 260 feet south of Craig Road. The Assessor's Parcel Numbers are 139-03-311-002, 139-03-311-003, 139-03-311-004, 139-03-311-005 and 139-03-311-006.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff is recommending denial of this item

If the Planning Commission approves this item, the following conditions are recommended:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. That the site plan submitted with this request shall not be implied to be or considered "approved" and shall be modified to be in compliance with all applicable codes and ordinances, including the conditions mentioned herein.
3. All known geologic hazards shall be shown on the tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
7. Show the limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A on the tentative map.
8. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.
9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Commerce Street connecting to Craig Road.
11. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
12. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
13. The property owner is required to grant roadway easements where public and private streets intersect.

14. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. All common elements shall be labeled and are to be maintained by the Home Owners Association.
17. The Craig Road S.I.D. must be paid prior to the recording of the final map.
18. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
19. Street names must be approved by the City of Las Vegas Central Fire Alarm Office and shown on the conformed tentative map prior to final signature.
20. The installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording the final map.
21. The development of this site shall be in compliance with the Multi-family Design Standards.
22. The applicant shall meet with the Department of Parks & Recreation to discuss an amenities package prior to application of a Final Development Plan.
23. A minimum 121,097 square feet of open space shall be provided.

Bob Hoyes, Planner, stated he had no further comments.

Robert Gronauer of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he had the same comments as the previous item, AMP-39-04, and that he intended to work with the neighbors to try to iron out any problems with the density and would go along with the Planning Commission's direction.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Commissioner Harry Shull stated he agreed with the project but felt a density of 10 units to the acre would be in order. He asked if that was a condition that could be imposed in the zoning. Bob Hoyes, Planner, stated that was a good point. He stated that would be warranted and he would recommend adding condition No. 24 to specifically address that issue and wanted to add an additional Condition No. 25 to address the set-back requirements, then that is the Planning Commission's option.

Mr. Gronauer asked if the commercial buffering was being met, with the 20 feet on the north side, what extra buffer would be required to add. Mr. Shull stated there was one parcel that didn't look like it could be developed at all. Mr. Gronauer stated the map was misleading as the channel was not as wide as shown.

Commissioner Aston asked the applicant if he would prefer 10 units to the acre or a continuance to look at an overall site map because one of the concerns was the traffic and if something could be rectified with the traffic, they could keep the density.

Commissioner Marilyn Kirkpatrick stated she would not support a continuance because the item would be heard at the end of the agenda and it would not be fair to make the applicant or interested parties wait that long. She wanted to be sure a basketball court was in the project. Mr. Gronauer stated that could be added as a condition and he would make a commitment between now and City Council to finish the amenities package on the planned unit development instead of the final development plan because there was an amenities package put together and that was part of the plan.

Boy Hoyes stated the Parks and Recreation Memorandum was attached to this item and the minimum amenities should be added as Condition No. 25, which includes the half-court basketball.

Vice-Chairman Marilyn Kirkpatrick MOVED and Commissioner Jo Cato SECONDED to APPROVE ZN-48-04 per Staff's recommendations with the addition of Condition Nos. 24 and 25 as follows:

Condition No. 24 **Shall be limited to 10 units per acre.**

Condition No. 25 **That the minimum park amenities shall include circuitous lighted paths, a minimum of 20 24-inch box trees per acre, at least 2 differing age appropriate plan structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada, at least one large open space area for group/organized play, one large group shade area/BBQ area at swimming pool, picnic tables and barbecue grills, benches spaced along park pathways, details of amenities to be provided, swimming pool and spa, cabana and public building, and sport court - ½ court basketball.**

The motion carried by UNANIMOUS vote.

The item was APPROVED.

30) VN-15-04 (15180) PICERNE AT ROME & VALLEY APTS. (Public Hearing)

An application submitted by Picerne Development Corporation on behalf of 215 Properties, LLC, property owner, for a variance in a C-2 General Commercial District (proposed R-4 High Density Residential District) to allow a zero (0) foot setback on the west property line where 20 feet is required. The property is located at the southwest corner of Valley Drive and Rome Boulevard. The Assessor's Parcel Numbers are 124-19-401-003, 124-19-401-004, 124-19-401-005, 124-19-401-006, 124-19-401-007 and 124-19-401-008.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Bob Gronauer, of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant. He stated they were requesting a continuance for the third time due to waiting for the outcome of Ordinances to be adopted by City Council and the outcome would determine the layout of the site plan.

The Public Hearing will remain open.

Commissioner Harry Shull MOVED and Commissioner Leavitt SECONDED to CONTINUE VN-15-04 TO JULY 14, 2004.

The motion carried by UNANIMOUS vote.

The item was CONTINUED TO JULY 14, 2004.

31) SPR-24-04 (15176) PICERNE AT ROME & VALLEY APTS.

An application submitted by Picerne Development Corporation on behalf of 215 Properties, LLC, property owner, for a site plan review in a C-2 General Commercial District (proposed R-3 Multifamily Residential District) to allow 625 units. The property is located at the northeast corner of Centennial Parkway and San Mateo Street. The Assessor's Parcel Numbers are 124-19-401-003, 124-19-401-004, 124-19-401-005, 124-19-401-006, 124-19-401-007 and 124-19-401-008.

Vice- Chairman Kirkpatrick MOVED and Commissioner Aston SECONDED to CONTINUE SPR-24-04 TO JULY 14, 2004.

The motion carried by UNANIMOUS vote.

The item was CONTINUED TO JULY 14, 2004.

Item No. 25 was heard next

32) FDP-07-04 (15159) VILLAGES AT SIERRA RANCH (Public Hearing)

An application submitted by American Premiere Homes on behalf of John and Gabriella Michelon, property owners, for a Final Development Plan review in a PUD Planned Unit Development District, consisting of 967 single-family dwellings. The property is located at the southwest corner of Azure Avenue and North Fifth Street. The Assessor's Parcel Numbers are 124-27-601-001 and 124-27-701-001.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff is recommending approval subject to the conditions in the memo from the Planning & Zoning Department dated June 23, 2004 as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of Ordinance No. 1937 (ZN-08-04) and T-1065.
3. The developer shall dedicate 55 feet of right-of-way transitioning to 50 feet along the project's Commerce Street frontage south of Tropical Parkway. The additional dedication shall be made in accordance with Clark County Area Uniform Standard Drawing Nos. 201.1 and 245.1.
4. The developer shall construct a 40 feet wide half street section along the project's Commerce Street frontage south of Tropical Parkway. In addition to the 40 feet wide half street, the developer shall construct an exclusive right turn lane on the south leg of the Tropical Parkway/Commerce Street intersection in accordance with Clark County Area Uniform Standard Drawing No. 245.1.
5. The developer shall dedicate 55 feet of right-of-way transitioning to 50 feet along the project's Commerce Street frontage north of Tropical Parkway. The additional dedication shall be made in accordance with Clark County Area Uniform Standard Drawing Nos. 201.1 and 245.1. In addition, the developer shall dedicate right-of-way to form a bus turnout on the north leg of the Tropical Parkway/Commerce Street intersection in accordance with Clark County Area Uniform Standard Drawing Nos. 234.1 and 234.2.
6. The developer shall construct a 40 feet wide half street section along the project's Commerce Street frontage north of Tropical Parkway. In addition to the 40 feet wide half street section, the developer shall construct a bus turnout on the north leg of the Tropical Parkway/Commerce Street intersection in accordance with Clark County Area Uniform Standard Drawing Nos. 234.1 and 234.2.
7. The developer shall dedicate and construct 45 feet of right-of-way, transitioning to 40 feet along the project's Tropical Parkway frontages east of Commerce Street. The additional dedication shall be made in accordance with Clark County Area Uniform Standard Drawing Nos. 201.1 and 245.1. In addition, the developer shall dedicate right-of-way and construct a bus turnout on the south side of Tropical Parkway east of Commerce Street in accordance with Clark County Area Uniform Standard Drawing Nos. 234.1 and 234.2.
8. The developer shall dedicate and construct exclusive right turn lanes on the north and west legs of the Tropical Parkway/North 5th Street intersection in accordance with Clark County Area Uniform Standard Drawing No. 245.1.
9. The developer shall dedicate right-of-way and construct a bus turnout on the north side of Tropical Parkway west of North 5th Street in accordance with Clark County Area Uniform Standard Drawing Nos. 234.1 and 234.2.
10. The developer shall dedicate right-of-way and construct a bus turnout on the west side of North 5th Street south of Tropical Parkway in accordance with Clark County Area Uniform Standard Drawing Nos. 234.1 and 234.2.

11. The developer shall construct a shared-use path along the project's Commerce Street frontage having a minimum tread width of 10 feet and graded shoulder of at least 2 feet on either side. The design of the shared-use path shall comply with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, latest edition.
12. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
13. The property owner is required to grant roadway easements where public and private streets intersect.
14. Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 1. Commerce Street
 2. Tropical Parkway
 3. Goldfield Street
 4. North 5th Street
 5. El Campo Grande Avenue
 6. Azure Ave
15. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
16. A revocable encroachment permit for landscaping within the public right of way is required.
17. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
18. Street names must be approved by the City of Las Vegas Central Fire Alarm Office and shown on the conformed tentative map prior to final signature.
19. All Nevada Power Company easements and poles must be shown and shall be fully located within the landscape area. If any poles need to be relocated, it will be at the expense of the developer.
20. The prospective homeowners shall sign a written notice declaring knowledge of the existence of R.C. Farms, wherein the housing development may be subject to odors created by the pig farm.
21. All common elements shall be labeled and are to be maintained by the Home Owners Association.
22. The applicant must abide by all conditions of the approved traffic study.
23. Parking is limited to one side of the street; it is the developer's responsibility to provide red-painted curb and "No Parking" signs.
24. All known geologic hazards shall be shown on the tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans.
25. Approval of a drainage study is required prior to submittal of the civil improvement plans.
26. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

27. Clark County Public Works concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
28. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
29. The drainage and utility easement must be revised to a pedestrian access/public utility easement that conform to *North Las Vegas Municipal Code 17.24.210.D.4.a*.
30. Show the limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A on the tentative map.
31. The following minimum open space/recreational amenities shall be provided:
 - A. circuitous lighted paths
 - B. a minimum of 20 24-inch box trees per acre
 - C. at least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
 - D. at least one large open space area for group / organized play
 - E. one large group shade area / gazebo (30' diameter), lighted
 - F. picnic tables and barbecue grills
 - G. benches spaced along park pathways
 - H. ADA accessibility
 - I. details of amenities to be provided
 - J. 2 soccer fields
 - K. A safety fence running parallel to Tropical
 - L. drinking fountains
 - M. sand volleyball court
 - N. lighted ½ court basketball
 - O. exercise stations along pathway
32. All wall sections visible from a sidewalk, street or common area shall be brown or tan split-face CMU and shall have one brown or tan fluted ribbon course at the top. A minimum one pilaster shall be provided for every fifty linear feet of wall.
33. Elevation drawings and colors shall be reviewed and approved administratively during the building permit application process.

Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw appeared on behalf of the applicant and stated she concurred with Staff recommendations.

Chairman Dean Leavitt opened the Public Hearing. No participants came forward.

Chairman Leavitt closed the Public Hearing.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVED FDP-07-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was APPROVED.

PUBLIC FORUM:

No members of the public came forward.

DIRECTOR'S BUSINESS:

None

CHAIRMAN'S BUSINESS:

Chairman Dean Leavitt requested Election of Officers be the first order of business on the July 14, 2004 Planning Commission Agenda.

Chairman Leavitt stated the new Planning Commissioner, Dilip Trivedi, was appointed by Council.

ADJOURNMENT:

11:45 PM

A motion to ADJOURN the June 23, 2004 meeting of the Planning Commission of the City of North Las Vegas was made by Chairman Dean Leavitt. Vice-Chairman Marilyn Kirkpatrick SECONDED the motion.

/s/ Dean Leavitt

Dean Leavitt, Chairman

ATTEST:

/s/ JoAnn Lawrence

JoAnn Lawrence, Recording Secretary