

**MINUTES
CITY OF NORTH LAS VEGAS
PLANNING COMMISSION**

March 23, 2005

Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)

BRIEFING: 6:30 pm., Conference Room, North Las Vegas City Hall,
2200 Civic Center Drive

CALL TO ORDER: 7:03 pm., Council Chambers, North Las Vegas City
Hall, 2200 Civic Center Drive

ROLL CALL: Chairman Jay Aston - Present
Vice-Chairman Jo Cato - Present
Commissioner Dean Leavitt - Present
Commissioner Harry Shull - Present
Commissioner Steve Brown - Present
Commissioner Dilip Trivedi - Present
Commissioner Angelo Carvalho - Absent

STAFF PRESENT: Jory Stewart, Planning and Development Director
Robert Eastman, Principal Planner
Mary Aldava, Planner
Nick Vaskov, Deputy City Attorney II
Lenny Badger, Manager, Dev. & Flood Control
Clete Kus, PW, Transportation Planner
James Frater, Fire Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Dilip Trivedi

WELCOME: Chairman Jay Aston

Chairman Aston recognized Councilwoman Stephanie Smith, Councilman Buck and former Commissioner, Nelson Stone.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 23, 2005.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

CONSENT AGENDA

A. **PW-49-05 (19746) LAUREL CANYON, UNIT 3A: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY RICHMOND AMERICAN HOMES OF NEVADA, INC. AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$1,148,471.48.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

B. **PW-50-05 (19747) VILLAGES @ SIERRA RANCH, INFRASTRUCTURE: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY KB HOME NEVADA, INC. AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$5,217,339.60.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

C. PW-51-05 (19748) CENTENNIAL CLAYTON: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,393,523.40.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

D. PW-52-05 (19750) GRAND TETON/VALLEY NW 80 PUD 45 #2: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$635,641.79.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

E. PW-53-05 (19751) NVE PARCEL 69, PHASE 2: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PN II, INC., AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$349,510.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

F. PW-54-05 (19752) NVE ALIANTE PARKWAY: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY NORTH VALLEY ENTERPRISES, LLC AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$459,413.90.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

G. PW-55-05 (19753) RUNVEE HOBART INFRASTRUCTURE, UNIT 1: APPROVE THE OFF-SITE IMPROVEMENTS AGREEMENT BY CENTEX HOMES AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$1,712,834.15.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

H. PW-56-05 (19754) RUNVEE HOBART WEST, UNIT 4B: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY CENTEX HOMES AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$876,630.16.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

I. PW-57-05 (19755) BRADY INDUSTRIES: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY LOSEE ROAD LAND & BUILDING, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$148,296.36.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

J. PW-58-05 (19756) RUNVEE HOBART WEST INFRASTRUCTURE, UNIT 2: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY CENTEX HOMES AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$4,597,437.15.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

K. PW-59-05 (19757) COOL RIDGE ESTATES: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY DEVELOPERS INSURANCE COMPANY TO RELEASE THE SUBDIVISION BOND IN THE AMOUNT OF \$54,242.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

L. PW-60-05 (19758) CENTENNIAL SIMMONS RETAIL CENTER: APPROVE THE COMMERCIAL DEVELOPMENT OFF-SITE IMPROVEMENTS AGREEMENT BY SIMMONS 15, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$131,039.37.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

M. PW-61-05 (19759) GRAND TETON/VALLEY R1-60, NO. 1: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,182,590.54.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

N. PW-62-05 (19760) GRANADA POINTE: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY KB HOME NEVADA, INC. AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$743,717.81.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

- O. **PW-63-05 (19761) VILLAGES @ SIERRA RANCH, VILLAGE 1 UNIT 1: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY KB HOME NEVADA, INC. AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$399,716.24.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **AMP-10-05 (19423) VALLEY/EL CAMPO GRANDE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PHD ASSETS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO MDR MEDIUM DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-801-001.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of AMP-10-05 for MLDR, Medium Low Density Residential.

Victor Rodriguez, 401 North Buffalo, Las Vegas, NV 89145 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE CHANGE IN DENSITY FROM MDR, MEDIUM DENSITY RESIDENTIAL TO MLDR, MEDIUM LOW DENSITY RESIDENTIAL

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

2. ZN-26-05 (19424) VALLEY/EL CAMPO GRANDE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PHD ASSETS, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 53 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-801-001.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of ZN-26-05 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall not exceed 53 lots.
3. The minimum lot size of the development shall be 4,500 square feet.
4. The development shall provide a minimum of 38,136 square feet (0.88 acres) of useable open space.
5. The developer shall meet with the Departments of Parks and Recreation and Planning and Zoning to determine the amenities to be provided prior to submittal of a final development plan.
6. At a minimum, the following amenities shall be provided within the open space:
 - a. Circuitous lighted paths;
 - b. A minimum of twenty 24-inch box trees per acre;
 - c. At least one large open space area for group/organized play;
 - d. One large group shade area/gazebo (30' diameter), lighted;
 - e. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada;
 - f. Picnic tables and barbecue grills;

- g. Benches spaced along park pathways;
 - h. Details of amenities to be provided.
7. The minimum setbacks for the development shall be:
- a. 15' Front to the Living Area
 - b. 20' Front to the Garage
 - c. 15' Rear
 - d. 5' Side
 - e. 10' Corner Side
8. All assessments for Ann Road (SID No. 61) must be paid prior to recordation of the final map.
9. Dedication of the following right-of-way is required within thirty (30) days of approval:
- a. Forty (40) feet - Valley Drive
 - b. Thirty (30) feet - El Campo Grande Avenue
10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
11. 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.
12. All known geologic hazards shall be shown on the preliminary development plan, 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. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
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

- located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
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 street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards and must be approved by the City of Las Vegas Central Fire Alarm Office. If a conformed tentative map is required, the approved street names shall be shown on the map prior to final signatures.
 18. Approval of a traffic study is required prior to submittal of the civil improvement plans.
 19. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Valley Drive.
 20. 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.
 21. 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.
 22. 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.
 23. The five foot sidewalk shown adjacent to the interior, private streets shall be mapped as part of the private streets and not part of the lot.
 24. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222*.
 25. 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.

Victor Rodriguez, 401 North Buffalo, Las Vegas, NV 89145 appeared on behalf of the applicant stating he concurred with Staff recommendation but pointed out he thought there was an error on page 3 of the Staff report. They had asked for reduced front, side and rear setbacks listed as Condition No. 7, which were the R-1 conditions and would like reduced setbacks for the PUD. Item No. 8 was for the Ann Road SID and he stated they were not located on Ann Road and did not understand why the condition was listed.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Harry Shull asked what setbacks the applicant was requesting in Condition No. 7. Mr. Rodriguez responded he was requesting for Condition No. 7a a 10 foot front to the Living Area and Condition No. 7c - 10 feet to the rear and on Condition No. 7d - 3 feet Sides.

Vice-Chairman Jo Cato asked for clarification from Staff on Condition No. 8. Lenny Badger, Manager, Development & Flood Control responded the SID for Ann Road would also include some other improvements that were not necessarily on Ann Road but was not certain this was one of those areas and recommended the condition be amended to add the following wording to the end of the condition: *“unless otherwise determined unnecessary by the Director of Public Works.”*

Chairman Aston asked if anything less than five foot on side yard setbacks had been approved on a PUD. Robert Eastman, Principal Planner responded a couple of PUD's had been approved with 10 foot rear and front setbacks. He stated the problem with a side yard setback of three feet, was that you were against the edge with the fire code. The fire code was measured against the front plane of the house and building the wall would probably extend slightly beyond the three feet which would normally be measured against the home's footing and they would have to fire rate their walls along the sides of the property according to the fire code; therefore, Staff would prefer the setbacks remain as requested.

Commissioner Shull asked the dimension of the lots. Mr. Rodriguez responded the lots were 45' X 100'.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH CONDITION NO. 8 AMENDED TO READ AS FOLLOWS:

8. ALL ASSESSMENTS FOR ANN ROAD (SID NO. 61) MUST BE PAID

PRIOR TO RECORDATION OF THE FINAL MAP UNLESS
DETERMINED NOT NECESSARY BY THE DIRECTOR OF PUBLIC
WORKS

MOTION: Commissioner Leavitt
SECOND: Commissioner Shull
AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi
NAYS: None
ABSTAIN: None

3. **UN-19-05 (19256) RECYCLING FACILITY ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REPUBLIC SILVER STATE DISPOSAL, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A 9,000 SQUARE-FOOT EXPANSION TO AN EXISTING 86,100 SQUARE-FOOT RECYCLING FACILITY WITH OUTSIDE RECYCLING ACTIVITIES AND STORAGE. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF GOWAN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-301-003.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of UN-19-05 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 new building shall comply fully with to the Industrial Design Guidelines, except for the following:
 - a. That the applicant use textured stucco-type paint on any corrugated metal wall; and
 - b. That the applicant use a standing seam roofing system with a twelve (12) inch eave, a six (6) inch fascia, and be of a pattern that mitigates the visual impact of the roof; and
3. That the applicant shall submit a landscape plan that shows the current landscaping as well as additional trees, that meet zoning ordinance requirements, planted at the same frequency as existing trees as well as provide eighty (80) percent ground coverage; and
4. That the applicant shall replace existing chainlink and slatted chainlink gates with solid metal gates; and
5. Approval of a drainage study is required prior to submittal of the civil improvement plans; and
6. 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; and

7. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all future site plans/improvement plans submitted to the City; and
8. Approval of a traffic study is required prior to submittal of the civil improvement plans; and
9. Right-of-way dedication for a CAT bus turn-out is required on Commerce Street near Gowan Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1; and
10. That UN-19-05 is site-specific and non-transferable.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant along with George Rodgers, the architect, Bob Coyle, President of Republic Services, and Butch Herst, Facility Operator of the Recycling Facility. Mr. Gronauer stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Shull

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

4. VN-08-05 (19276) RECYCLING FACILITY ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REPUBLIC SILVER STATE DISPOSAL, PROPERTY OWNER, FOR A VARIANCE IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A FRONT YARD SETBACK OF 29.5 FEET WHERE 35 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF GOWAN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-301-003.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending denial as the variance requested was a self-imposed hardship; however, if VN-08-05 were approved it be subject to the following condition:

1. That, unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating they were asking for a setback reduction from the beginning of the building to be about 29'6" from back of curb. He stated they had a legal hardship for two reasons. One reason was because this was an existing facility and it had been standardized over the last 13 years of how the traffic comes into the gates, deposit the recycling materials and then leave the facility. If a building expansion were to be put in that area, there would be a circulation problem. The second reason was that in the M-2 requirements it states, "if you have a building that was 25' or less in height, you can have a 20' setback". In this case, from the east elevation, the building was located at 29 ½ feet from the Gowan Road setback, The building elevation was 24 feet in height, which would be at the 29 ½ foot setback, separation for the front setback, the southern portion of the property had a 2 to 12 slope; at the top of the ridge was approximately 34 ½ feet in height. He stated although they were asking for the setback reduction, if it were taken from the 24' level, they would be required to have a 20' setback according to the M-2 standard. Mr. Gronauer showed a rendering of the Gowan Road alignment and stated they agreed to put new mature trees along the Gowan Road alignment, which would also hide the building located adjacent to the front setback. He felt the building could be moved an additional foot or two which would change the setback from 29 ½ feet to 31 ½ feet.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED WITH AMENDMENT TO SETBACK BY MOVING THE

BUILDING AN ADDITIONAL TWO FEET TO THE SOUTH WITH FRONT
SETBACK BEING 31 ½ FEET

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi

NAYS: None

ABSTAIN: None

5. **UN-21-05 (19336) CHRISTOFFERSON PIG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CONNIE CHRISTOFFERSON, PROPERTY OWNER, FOR A USE PERMIT IN AN OL/DA OPEN LAND / DEVELOPMENT AGREEMENT (R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT) TO ALLOW A POT-BELLIED PIG. THE PROPERTY IS LOCATED AT 6624 NIGHT OWL BLUFF AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-21-310-006.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff felt the applicant had fully explained or shown how the 10 foot of separation from all property lines would be accomplished; therefore, the applicant was to show conformance with the setback requirements.

Connie Christofferson, 6624 Night Owl Bluff, North Las Vegas, NV 89084 stated she understood Staff concerns. At the present time, there was a large rock border and the pig had small feet and could not walk on the rocks and she could also put an electric collar on the pig which would keep it within the 10 foot boundary.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

Joe Hassen, 1736 Evening Bluff Place, North Las Vegas, NV 89084 stated he lived behind and about four houses down from where the pig was located and was opposed to the potbelly pig or any animal that was not a domestic animal. He was afraid once one exception was made, there would be more non-domestic animals allowed.

Denver Valentine, 1740 Evening Bluff Place, North Las Vegas, NV 89084 stated he lived behind and about three houses down from the pig. When he purchased the property he was given association CC & R's and referenced a couple of them in his opposition.

Chairman Aston explained that CC & R's were Home Owner Association (HOA) rules and this was a different body. The Association had the right to handle affairs with the CC & R's with that governing body. The Commission's decisions were based on the use of City Ordinances.

Robert Barber, 1748 Evening Bluff Place, North Las Vegas, NV 89084 stated he got the brunt of the effect from the fecal matter and the urine from the pig and turned in 52 signatures against the Ordinance change and also a letter from a person who was unable to attend the meeting.

Philip Young, 1449 Drakewood Avenue, North Las Vegas, NV 89031 stated he was the secretary for the Home Owners Association. He was not speaking for the association because they were waiting for the outcome of the Planning Commission Meeting to make their final decision. He was not in agreement with the 10 foot property line issue and did

not think a section of rocks would stop the pig from going to the fence. If this were approved, he had some serious concerns about the weight issue of the pig, as the maximum weight was 120 pounds and would like a condition added that there be a monthly or quarterly weigh-in and stated he was opposed to this item.

Jared Meeks, 4429 Lawrence Street #2056, North Las Vegas, NV 89081 stated he lived at the Christofferson residence for approximately three years at another location in Las Vegas and stated the pig did not devalue the home they lived in and they had no complaints. He stated the pig was house trained and was no different than having a medium sized dog and did not feel the pig was a nuisance or there was an odor problem.

Reggie Brown, 1734 Bluff Hollow Place North Las Vegas, NV 89084 stated when he bought his property, the pig was not allowed and was opposed to this item.

Edward Tellis, 1747 Bluff Hollow Place, North Las Vegas, NV 89084 stated he lived directly behind the applicant and was opposed to this item. He felt if this item was approved, it would devalue his home as he would have to disclose the information.

Lavert Lucas, 4685 E. St. Louis, Las Vegas, NV 89102 appeared at the request of Ed Tellis. He stated he had 25 years of experience in planning and stated the applicant had not met the 10 foot setback requirement and also had not met the weight requirement. The weight listed was the weight in December, which was prior to the ordinance. He stated there should be a weigh-in after the ordinance was passed. He felt the weigh-in should be performed by a neutral body rather than a veterinarian chosen by the applicant. He stated pigs need a shade structure if left outside and also need a water cooled apparatus. Type "A" flu can be transmitted from pigs or swine to humans. If the animal does get sick, in order to protect the neighborhood, some kind of process or provisions be set up to quarantine the animal and requiring the animal to get a veterinary check.

Chairman Aston closed the Public Hearing.

Ms. Christofferson stated she had a letter from the Home Owners Association stating they approved her having the pig and she had 90 days to get her permit. She stated the pig did not stay outside; she lived in the house. Ms. Christofferson stated she did not feel there was a foul odor from the pig, it was not around other animals and did not feel there was a threat of anyone getting sick from her pig.

Commissioner Steve Brown asked the applicant if she had pictures of her back yard. She responded the only pictures were submitted with her application. Commissioner Brown asked if she brought colored pictures with her.

Commissioner Harry Shull stated the applicant contacted his office and he went to the

home and inspected the home and backyard and the house did not have an odor and the backyard was very well kept and did not have any offensive odor.

Ms. Christofferson also stated she had the Clark County Air Quality Control Manager come to her home and he found everything to be okay. She stated she had done extensive research on odor and doing tests for odor and what that would entail.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Chairman Aston stated the Public Hearing would remain open.

6. UN-22-05 (19404) LOSEE BUSINESS CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE DISCOVERY CHURCH ON BEHALF OF LOSEE BUSINESS CENTER, LLC PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED 4310 LOSEE ROAD, SUITE 7. THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-008.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval subject to two conditions with an amendment to Condition No. 2 to reference UN-22-05 instead of UN-07-05 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; and
2. That UN-22-05 is site-specific and non-transferable.

Dean Sanner, 6329 Lawrence Street, North Las Vegas, NV 89030 stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the Cannery Hotel and Casino. He stated they were not opposed to the special use permit being proposed; however, they had a concern with respect to the use, as churches fall into the protected use category and one of the concerns was they had an existing hotel/casino and in the future when they looked to expand the facility, they did not want to be blocked because there was a protected use within a certain number of feet. He asked the special use permit be approved subject to a review.

Chairman Aston asked Nick Vaskov, Deputy City Attorney if he had some input on this item. Deputy City Attorney Vaskov responded as he understood State law, there would be a problem if the casino was going to the church and was within the distance requirements, but it was a different case when the casino already existed and a church went in close by and he was not sure if there would be a problem or any restrictions from preventing the hotel from expanding in the future. He stated it was up to the Commission's discretion whether or not the added condition was appropriate.

Mr. Sanner stated it was his understanding when Staff did their research, it was determined they would in no way be inhibiting or be a problem to the Cannery Hotel & Casino. He

stated their purpose was to be there temporarily until they were able to build a church in a residential area and were more than willing to work with them.

Mr. Gronauer stated as long as the record was clear what legal counsel was advising and he could come back to the transcript and say the church was here and when the casino wanted to expand, that the advise that you had been given was the casino was allowed to legally expand their business; and that was their only concern. Deputy City Attorney Vaskov stated his advise was that he was not aware of any law; he did not believe there were any but could not say for sure there were not. Whether the Commission believed that the condition proposed, that the special use be subject to review, was up to the Commission and there was no reason for the applicant to rely on his opinion.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked the applicant if he had any idea how long the church would be located on Losee Road. Mr. Sanner responded the best case scenario was if someone made a large donation to the church, he would be more than happy to purchase some land and start a building process. He stated he did not plan to be there more than three to five years. The plan was to grow, develop and move into an area that was more conducive.

Commissioner Shull asked Staff if a condition could be added that would stipulate that the applicant would not object to expansion of the Cannery Hotel & Casino. Deputy City Attorney Vaskov responded the question would be if the condition was reasonable. The condition proposed, was that they would come back for some sort of review and obviously that was fairly vague. Whether we can condition on the fact that the applicant would not object, he was not sure that could be done and stated that condition was unreasonable. Commissioner Dilip Trivedi asked the applicant if they had approached the casino for a land donation. Mr. Sanner responded he had met with the Cannery Human Resources Office. Mr. Sanner stated they would be open to a two year review if that was acceptable to the Commission.

ACTION: APPROVED PER STAFF RECOMMENDATION WITH AN ADDITIONAL
CONDITION TO READ AS FOLLOWS:

3. That this application will be reviewed on a two year basis.

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi

NAYS: None

ABSTAIN: None

7. UN-23-05 (19425) CENTENNIAL 5 LLC CAR WASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CREST RIDGE, LLC, ON BEHALF OF CENTENNIAL 5 DEVELOPMENT, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-812-001.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval subject to 16 conditions with an amendment to Condition No. 11 to add "or as otherwise approved by the Director of Public Works" as follows:

1. The development of this site shall be in compliance with all applicable conditions of T-1074, SPR-39-04, UN-61-03 and UN-03-05.
2. The development of this site shall substantially comply with the submitted site plan.
3. The car wash shall feature stucco columns, a tiled roof to match the principal building and no side windows, but false windows may be acceptable.
4. The maximum number of vacuums for this development shall be two.
5. That a minimum one trash receptacle shall be provided per vacuum and located adjacent to each vacuum. No vacuum shall be located within any setback or easement areas and shall maintain a minimum 20-foot separation from the northern property line; and
6. In addition to the parking required for the convenience store, a minimum two parking stalls shall be provided for the car wash; and
7. Exterior roof ladders are not permitted. Access to the roof shall be from within the building; and
8. Exterior down spouts for roof water drainage are not permitted; and
9. The submitted landscape plan shall be approved in concept only, whereby changes and modifications will be required prior to approval of construction documents.
10. A raised landscape planter shall be provided along the outside wall (facing southwest) of the car wash, generally as indicated on the submitted floor plan.
11. The car wash exit drive shall be relocated entirely outside of the drainage easement

or as otherwise approved by the Director of Public Works.

12. Approval of a traffic study 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 Centennial Parkway.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. 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.
16. 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.

George Garcia, G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he concurred with Staff recommendation except for Condition No. 6. He stated Condition No. 6 requires two additional parking stalls and the spaces were based on the fact that a car wash in and of itself requires two parking stalls for each bay, it requires employee parking, as well as the queuing lane. In this case, the car wash was not a freestanding independent car wash, it was associated with a convenience store. The employees work within the convenience store so there was no additional employees solely for the car wash. Because the car wash was attached to the convenience store, the same customer parking that exists close to the building as well as around the building was there for the customers who do not pay at the pumps or do not pay at the queuing line. He stated because the code does not address convenience stores with car washes, which was the case here, then that set of rules would not apply to this application because the parking was more than adequately provided for both by the convenience store and the surrounding shopping center and asked that Condition No. 6 be stricken.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked Staff how they felt about Mr. Garcia's explanation of the parking spaces. Mr. Eastman responded Staff respectfully disagreed with Mr. Garcia's analysis. Mr. Eastman stated he had worked on a number of car washes in the past that

were one bay and they required the two spaces for them. The spaces were also required on a site that was reviewed a couple of years ago on Lake Mead. More recently, on the small convenience food with car wash off of Tropical Parkway in the triangular shaped piece that had a one bay car wash which required the two spaces and the car wash in Aliante required the two spaces as well.

Commissioner Shull asked if the center was over or under parked for the square footage. Mr. Garcia responded the parking for the center was what was required. The majority of the customers pay at the pump when they purchase their gas or they pay in the queuing line. There was a very small percentage of people who actually park and walk in to pay just to use the car wash.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE DELETION OF CONDITION NO. 6 CONDITION NO. 11 AMENDED TO READ, "THE CAR WASH EXIT DRIVE SHALL BE RELOCATED ENTIRELY OUTSIDE OF THE DRAINAGE EASEMENT OR AS OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC WORKS."

MOTION: Commissioner Shull

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

8. **UN-24-05 (19401) ANN ROAD RETAIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DESERT VISTA DEVELOPMENT, INC., ON BEHALF OF SITE FOUR, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CHILD CARE FACILITY. THE PROPERTY IS GENERALLY LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 625 FEET EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-31-101-011 AND 124-31-101-012.**

Item Nos. 8, 9 and 10 were presented together.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of UN-24-05 with 18 conditions listed in memo dated March 23, 2005 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The commercial development shall be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to providing a meandering sidewalk, set back a minimum of five feet from the back of curb, along Ann Road, unless a sidewalk is already present.
3. 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.
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. Approval of a traffic study is required prior to submittal of the civil improvement plans.

8. Upon installation of a traffic signal at Montgomery Street, the applicant shall install a median island within the roadway easement from the Ann Road curb line to a point 100' to the south.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
11. 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*.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
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. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
17. The applicant shall provide landscaping within the median island within the roadway easement subject to staff review and approval.
18. The applicant shall provide Fire Code compliant access to retail building B, or acceptable equivalent, as determined by the Fire Department.

Michael Bradshaw, Bradshaw and Associates, 5858 South Pecos Road, Suite 100, Las Vegas, NV 89120 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi

NAYS: None

ABSTAIN: None

9. **UN-25-05 (19398) ANN ROAD RETAIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DESERT VISTA DEVELOPMENT, INC., ON BEHALF OF SITE FOUR, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS GENERALLY LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 490 FEET EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-010.**

Item Nos. 8, 9 and 10 were presented together.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of UN-25-05 with 18 conditions listed in memo dated March 23, 2005 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The commercial development shall be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to providing a meandering sidewalk, set back a minimum of five feet from the back of curb, along Ann Road, unless a sidewalk is already present.
3. 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.
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. Approval of a traffic study is required prior to submittal of the civil improvement plans.

8. Upon installation of a traffic signal at Montgomery Street, the applicant shall install a median island within the roadway easement from the Ann Road curb line to a point 100' to the south.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
11. 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*.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
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. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
17. The applicant shall provide landscaping within the median island within the roadway easement subject to staff review and approval.
18. The applicant shall provide Fire Code compliant access to retail building B, or acceptable equivalent, as determined by the Fire Department.

Michael Bradshaw, Bradshaw and Associates, 5858 South Pecos Road, Suite 100, Las Vegas, NV 89120 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi

NAYS: None

ABSTAIN: None

10. **UN-26-05 (19396) ANN ROAD RETAIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DESERT VISTA DEVELOPMENT, INC., ON BEHALF OF SITE FOUR, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS GENERALLY LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 765 FEET EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-012.**

Item Nos. 8, 9 and 10 were presented together.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of UN-26-05 with 18 conditions listed in memo dated March 23, 2005 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The commercial development shall be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to providing a meandering sidewalk, set back a minimum of five feet from the back of curb, along Ann Road, unless a sidewalk is already present.
3. 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.
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. Approval of a traffic study is required prior to submittal of the civil improvement plans.

8. Upon installation of a traffic signal at Montgomery Street, the applicant shall install a median island within the roadway easement from the Ann Road curb line to a point 100' to the south.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
11. 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*.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
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. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
17. The applicant shall provide landscaping within the median island within the roadway easement subject to staff review and approval.
18. The applicant shall provide Fire Code compliant access to retail building B, or acceptable equivalent, as determined by the Fire Department.

Michael Bradshaw, Bradshaw and Associates, 5858 South Pecos Road, Suite 100, Las Vegas, NV 89120 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi

NAYS: None

ABSTAIN: None

11. UN-27-05 (19394) SUNRISE UTILITIES, LLC TEMP OFF (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUNRISE UTILITIES, LLC, ON BEHALF OF TRI DAL REAL ESTATE, LTD., PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A TEMPORARY OFFICE (MODULAR). THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF KING CHARLES STREET AND BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-12-202-015.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of UN-27-05 with 15 conditions with the addition of Condition No. 16 shown as Condition No. 1 in the memo from Public Works dated March 23, 2005 as follows:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances; and
2. That the temporary trailer shall be generally located as indicated on the site plan; and
3. That the trailer shall not be larger than 36' x 60'; and
4. That the trailer shall be ADA-compliant; and
5. That the trailer cannot be installed and open for business until such time that a building permit is issued for temporary building; and
6. That UN-27-05 shall expire on March 23, 2006.
7. That a minimum ten (10) parking stalls be provided.
8. That all areas where vehicles will be driven, stored and/or moved shall be paved. Said paved areas shall be appropriately identified on the submitted building plans.
9. Some type of physical barrier, subject to staff review and approval, shall be installed along the edges of the pavement and identified on the building plans.
10. The development of this site shall be in compliance with the Industrial Development Standards and Design Guidelines, unless otherwise noted or deferred herein.
11. All Nevada Power Company easements and poles must be shown. The poles shall be fully located, or relocated, within the landscape area. If the relocation of any poles is required it will be *at the expense of the developer*.

12. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Berg Street
13. Access to Berg Street is prohibited. The applicant shall use the access easement as shown on the site plan.
14. Approval of a traffic study is required prior to submittal of the civil improvement plans.
15. Approval of a drainage study is required prior to submittal of the civil improvement plans.
16. In order to construct Berg Street at the intended location, the applicant may be required to relocate Nevada Power Company pole(s), as they appear to be within the current street right-of-way and not at the typical sidewalk location. The applicant shall meet with the City Traffic Engineer to achieve an adequate solution or relocate the poles within the landscape area at his own expense.

Phillip Hutchings, Sunrise Utilities, LLC, 328 E. Warm Springs Road, Suite 1B, Las Vegas, NV 89119 stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE ADDITION OF CONDITION NO. 16

MOTION: Commissioner Shull

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

12. **UN-28-05 (19422) REVERE MARKETPLACE/CHECK CITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHECK CITY ON BEHALF OF MESA INVESTMENTS, LLC PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (PAYDAY LOAN). THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-04-701-002.**

It was requested by the applicant to continue UN-28-05 to April 13, 2005.

Chairman Jay Aston opened the Public Hearing. There was no public participation. The Public Hearing was left open.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

13. UN-29-05 (19420) VALLEY VIEW INDUSTRIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VALLEY VIEW INDUSTRIAL CENTER, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HEAVY TRACK EQUIPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND DONOVAN WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-203-002, 139-01-302-002 AND 139-01-302-003.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval subject to the following conditions as shown in the revised memo dated March 23, 2005:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances; and
2. That UN-29-05 shall expire on March 23, 2006; and
3. That all surfaces intended solely for wheeled vehicles be paved in accordance with the requirements set forth in the Zoning Ordinance; and
4. That all areas intended for the storage or movement of tracked vehicles be identified on the improvement plans and said areas be allowed to be unpaved. An appropriate surface material shall be determined by the authorized department or agency. Written authorization of the approved surface material shall be provided to the Department of Planning & Development prior to occupancy of the site; and
5. Some type of physical barrier, subject to staff review and approval, shall be installed along the edges of the pavement and identified on the improvement plans.
6. The development of this site shall be in compliance with the Industrial Development Standards and Design Guidelines, unless otherwise noted or deferred herein.
7. All improvements required in Title 17 of the North Las Vegas Municipal Code pertaining to parcels APN 139-01-203-002 and APN 139-01-302-002 shall be deferred until such time that the Craig Road improvement project is "complete", whereas "completion" of the Craig Road improvement project shall be determined by the Director of Public Works.
8. The exact location of the screen wall and any proposed railroad spur(s) shall be identified on the revised site plan submitted with any subsequent application pertaining to the subject site and/or use permit.

9. All landscaping and screening requirements within 100 feet of "Point 'A'" on the attached Exhibit "A" shall be deferred until such time that the Berg Street improvements south of Craig Road are "complete", whereas "completion" of the Berg Street improvements shall be determined by the Director of Public Works.
10. A 10-foot screen wall shall be provided along the southeastern property line of parcel APN 139-01-302-001 where it abuts lot APN 139-01-302-003. The screen wall shall be in accordance with the requirements set forth in the Zoning Ordinance.
11. All conditions mentioned herein may be subject to change upon review of any subsequent application for the subject parcels. Additional conditions may be added at such time that a revised or amended site plan is submitted.

Shawn Huggins, Moran & Associates, 630 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant. He stated he had not seen the revised memo with the conditions. Chairman Jay Aston asked the applicant if he needed time to review the conditions. Mr. Huggins responded he did.

There was a break in proceedings at 8:28 p.m.

The meeting reconvened at 8:48 p.m.

Chairman Aston asked Staff if they had any comments. Mr. Eastman stated the applicant had pointed out that Condition No. 10 needed to be deleted. Chairman Aston asked if Staff agreed with the request. Mr. Eastman responded Staff was in agreement and was now recommending approval with 10 conditions.

Mr. Huggins stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION IN THE REVISED MEMO DATED MARCH 23, 2005 WITH THE DELETION OF CONDITION NO. 10

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

14. **VAC-06-05 (19418) WASHBURN/BRUCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAY JACOBSEN, ON BEHALF OF JAMES AND IDA MARTIN, PROPERTY OWNERS, TO VACATE ROSADA WAY COMMENCING AT HAROLD STREET AND PROCEEDING WEST APPROXIMATELY 282 FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-701-005.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of VAC-06-05 subject to the following condition:

1. The vacation must record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

Jay Jacobsen, 2408 Rancho Bella Drive stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

15. **ZN-25-05 (19417) WASHBURN/POLICE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAY JACOBSEN ON BEHALF OF JEFFREY AND ALICIA TALLEY, MARK REASBECK, LOLA M. LONG, JAMES AND IDA MARTIN, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF WASHBURN ROAD AND HAROLD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-701-002 THRU 006.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of ZN-25-05.

Jay Jacobsen, 2408 Rancho Bella Drive stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

- **Joyce Bates, 1515 E. Washburn Road, North Las Vegas, NV 89081** stated her property was surrounded by the five parcels being rezoned. She did not have any objections to the rezoning but would like a condition that only single story homes be built around her property and there be a fence.

Chairman Aston closed the Public Hearing.

Mr. Jacobsen stated he had no additional comments. He was just going for the zoning at this time.

Chairman Aston explained the zoning application was just for the use, not necessarily the product that would be built on the property.

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

16. **ZN-24-05 (19426) LA MADRE/BRUCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAY JACOBSEN, ON BEHALF OF THE LEONARD AND HELEN HAFEN FAMILY TRUST, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LA MADRE WAY AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-801-001, 124-35-801-002, 124-35-801-003 AND 124-35-801-004.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of ZN-24-05.

Jay Jacobsen, 2408 Rancho Bella Drive stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

17. VAC-07-05 (19400) DONOVAN WAY & FREIGHTLINER AVE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BOULDER PLACEMENT ON BEHALF OF JERRY APPELHANS AND DEBRA TENNARIELLO, PROPERTY OWNERS, TO VACATE LONE MOUNTAIN ROAD COMMENCING AT DONOVAN WAY AND PROCEEDING EAST APPROXIMATELY 231 FEET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-502-001.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending VAC-07-05 be continued indefinitely to allow the applicant time to revise the vacation request to include the entire width of 50 feet.

Jerry Appelhans, 2049 West Bonanza Road, Las Vegas, NV 89106 stated he thought Staff was in agreement with the vacation of the 18 feet of the 50 foot roadway. Lenny Badger, Manager, Development & Flood Control, stated there was not a problem with the vacation, it needs to be continued because they would rather see the entire right-of-way vacated, not just the 18 feet. Mr. Appelhans stated that would be okay, but the property owner behind him, Don Keto, would be land locked. Mr. Badger asked the applicant if the parcel behind him had access via Freight Liner Way. Mr. Appelhans responded it did not because the railroad tracks separated it. He stated the road was so short, they wanted to turn it into a private road which would leave 32 feet of roadway. Mr. Badger stated the condition to expand the vacation to 50 feet was a condition put upon by Real Property Services Staff and he was uncomfortable saying it was okay. Chairman Aston asked the applicant if he was agreeable to continue the item so Public Works could contact the appropriate parties to clarify what needs to be done. Mr. Appelhans responded he would be agreeable to a continuance. Mr. Badger stated he could get the situation resolved on Thursday, so the item could come back in two weeks.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

- **Don Puhto, 4715 West Harmon Avenue, Las Vegas, NV 89103** stated his property was at the east end of that section of Lone Mountain Road. When he received the notice of public hearing, it was to vacate the road. He wanted to know how he would get to his property if the road were vacated.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

18. **VAC-08-05 (19421) PICERNE @ ROME/VALLEY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT ON BEHALF OF PICERNE DECATUR 32ND STREET LLC, ET AL, PROPERTY OWNER, TO VACATE CENTENNIAL PARKWAY COMMENCING APPROXIMATELY 659 FEET WEST OF VALLEY DRIVE AND PROCEEDING WEST APPROXIMATELY 304 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-19-401-007 THRU -008.**

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of VAC-08-05.

Bob Gronauer, 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 recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Pubic Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

19. **VN-09-05 (19413) SIMMONS ASSOCIATES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SIMMONS ASSOCIATES, LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 10-FOOT SETBACK WHERE 30 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF SIMMONS STREET AND LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-20-614-001.**

The applicant requested that VN-09-05 be continued to April 13, 2005.

Chairman Jay Aston opened the Public Hearing. The following participant came forward:

- **Connie Duval, 1 Marsh Landing Court, Henderson, NV** stated she was presently the 7 Eleven franchisee at the southwest corner of Simmons Street and Lake Mead Boulevard and was concerned about a 10 foot setback instead of a 30 foot setback as the crime in the neighborhood was high and she felt visibility was important. If a 10 foot setback were allowed, the store would be invisible from the street to the east and she was fearful for her employees and customers.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 35, VN-04-05, was heard next.

Item No. 20 was heard after Item No. 35.

- 20. ZN-23-05 (19429) RIVERWALK RANCH HIGH NOON I (PUBLIC HEARING). AN APPLICATION SUBMITTED BY D. R. HORTON, INC., ON BEHALF OF THE C. LEAVITT FAMILY TRUST, ET AL, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A 189 UNIT, TRI-PLEX DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF RANCH HOUSE ROAD AND MONTGOMERY STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-203-002, 124-30-202-001, 124-30-202-002, 124-30-202-003, 124-30-202-004, 124-30-202-005, 124-30-202-006, 124-30-202-007, 124-30-204-003 AND 124-30-204-004.**

Item No. 20 and Item No. 34 were presented together.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was not supporting the requested reduction in required parking spaces and was not supporting the waiver request for 14' building separation. The applicant was proposing approximately 3.12 acres of open space which was the minimum required. There were areas that do not meet the 20' wide minimum requirement and the entry features had been included; however, were not allowed to be counted toward the open space; therefore the applicant was not meeting the open space required. The Parks and Recreation Department was recommending continuance until the developer meets with their Staff; therefore, Staff was recommending that ZN-23-05 be continued to allow the applicant sufficient time to submit revised preliminary development plans. If the Planning Commission determines approval was warranted, Staff was recommending 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. That development shall comply with Multi-Family Development Standards, including but not limited to all buildings within the development will need to be separated by a distance of not less than 20 feet.
3. The development shall comply with the current parking requirements.
4. The open space shall comply with the PUD, Planned Unit Development requirements.

5. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the open space/park areas showing landscaping and amenities. Prior to submittal of the final development plan, the applicant must schedule a meeting with the Parks and Recreation Director or designee to determine what amenities will be required of the private park areas.
6. That the development comply with the appropriate Building Code requirements.
7. 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.
9. The installation of sprinklers shall be required for each residential unit if the unit's square footage exceeds 5,000 square feet.
10. Due to the width of the streets as shown, on-street parking may be prohibited on one/both side(s) by marking of the fire lane. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
11. Turning radius must meet Fire Code.
12. Street distances must meet Fire Code.
13. All known geologic hazards shall be shown on the preliminary development plan, 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. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. 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.
16. Approval of a traffic study is required prior to submittal of the civil improvement plans.

17. A queuing analysis is required if this development is to be gated.
18. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
19. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Centennial Parkway
 - b. Montgomery Street
 - c. Ranch House Road
20. The property owner is required to grant roadway easements where public and private streets intersect.
21. All common elements shall be labeled and are to be maintained by the Home Owners Association.
22. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
23. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
24. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
25. A revocable encroachment permit for landscaping within the public right of way is required.
26. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
27. VAC-02-05 shall record concurrently with the final map.
28. Should VAC-02-05 be denied this map must be revised or considered null and void.
29. As a minimum the following amenities shall be provided within the open space:
 - 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. Swimming pool with cabana;
- g. Picnic tables and barbecue grills;
- h. Benches spaced along park pathways; and
- i. Details of amenities to be provided.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant. Mr. Gronauer explained the tri-plex units were sold as condos or townhomes and there was a snag with respect to the North Las Vegas Municipal Code because those type of developments, although they were for sale products, were considered a multi-family development pursuant to the standards. The reason was, that whenever there were three or more buildings together, it was considered multi-family. Therefore, Staff looked at the project as a multi-family development. Currently, the property was master planned and zoned for R-3, which you could build up to 25 units per acre. DR. Horton was proposing a density of approximately 11 units per acre. He pointed out the difference because by coming in with a planned unit development, it gave an opportunity to be more creative and innovative with the development being proposed. For example, instead of coming in with apartments and the typical multi-family, they were using buildings that were tri-plexes. Typically, when there was multi-family zoning, there were units that were six-plexes, eight-plexes and twelve-plexes that could be as wide as 160' in building mass and because of that, the code under multi-family design standards required a minimum separation between those buildings to be 20 feet. Although this development was classified as a multi-family development, and were still coming in with a PUD application, one of the waivers being requested was to have a 14 foot separation between the buildings. Although they were asking for the waiver, they felt they exceeded the intent because the building was from 51 to 61 feet in length and by asking for a 14 foot separation, they still break up the building mass. Mr. Gronauer stated this was a unique product, that although it was considered multi-family, it was actually broken up into smaller building mass, and that was why they believed this waiver should be approved. The second waiver being requested was the parking count. Mr. Gronauer stated he felt there was adequate parking and would exceed the parking requirements if the development were in Clark County and the City of Las Vegas and were consistent with other developments that had been approved in the Valley and also in Aliante and felt the parking waiver was justified. If more green space were removed, there would be more asphalt. They do not consider this a multi-family development because of the open space being provided, and believed they could meet the open space requirements. They were providing private back yards in some areas; unfortunately, if they were a multi-family development and had block walls, they would be

able to count the open space and there was still over two acres of open space in the site that could not be counted.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato asked Staff the difference between the parking layout approved in Aliante and the current application. Robert Eastman, Principal Planner responded Aliante used the older standards that were in effect when their project was approved and also had their own set of design standards in the Development Agreement so their parking requirements were not as high as this application. The parking requirements currently in place were brought about through a zoning ordinance amendment which changed the requirements for the number of spaces which had increased the number of spaces for larger three bedroom units while decreasing the number for single bedroom units.

Chairman Jay Aston felt the zoning ordinance did not completely address all issues in attached for sale units, but Staff must use the current zoning for multi-family residences. He asked the applicant if all of the driveways were eight foot in length. Mr. Gronauer responded it was his understanding they were all eight foot in length and they were not counted as parking spaces. The inside of the garages were counted as parking spaces. Chairman Aston agreed with Staff that the item should be continued to allow the applicant to work on the parking issues. Mr. Gronauer stated when a planned unit development was designed, they did not have to meet multi-family standards. The purpose of a PUD was to take away from the requirements and give something back and that was why more open space was provided than required.

Commissioner Steve Brown stated he did not have a problem with a 14 foot building separation and did not have a problem with the open space issue. He stated he was concerned with the parking, because if the garages were used as storage, there would not be enough parking, but felt the parking could be reduced some.

Mr. Gronauer stated, if parking was the Commission's greatest concern, he would work on the parking and would agree to a continuance.

Commissioner Dilip Trivedi asked the size of the back yards. Mr. Gronauer responded they were approximately 15' X 30'. Commissioner Trivedi stated he was concerned about the length of the driveway being only eight feet as the cars would be in the street when backing out of the driveway. Mr. Gronauer responded, in a private community, there was not as much traffic as on a public street, so backing out of the driveway was not that much of a concern.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull
AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
and Trivedi
NAYS: None
ABSTAIN: None

Chairman Aston stated the Public Hearing would remain open.

Item No. 34 was heard next.

21. **ZOA-03-05 (19331) NORTH MEADOWS WEST (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY CELEBRATE HOMES TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.12.020 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO ADD A DEFINITION OF "CASITA" AND TO AMEND SECTIONS 17.20.020(D), 17.20.030(D), 17.20.040(D), 17.24.050(D), 17.24.140(B)(2), AND 17.24.210(G) TO ALLOW DETACHED CASITAS AND GARAGES IN THE R-E RANCH ESTATES DISTRICT, THE R-EL RANCH ESTATES LIMITED DISTRICT, AND THE R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Commissioner Harry Shull stated he would be abstaining on this item as his company was bringing this item forward.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of ZOA-03-05. The only requirement would be that the casita would not be allowed to have kitchen facilities and would not be a rental property.

Chairman Jay Aston asked if bathrooms were allowed in a casita. Mr. Eastman responded bathrooms would be allowed but kitchen facilities would not. Chairman Aston asked what defined a kitchen. Mr. Eastman responded a casita could not have a stove and oven.

Tom Barns, 2525 W. Cheyenne Avenue, North Las Vegas, NV appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, and Trivedi

NAYS: None

ABSTAIN: Commissioner Shull

22. ZOA-04-05 (19397) TEXT AMENDMENT (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY KUMMER, KAEMPFER, BONNER & RENSHAW TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.20.040 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE, THE R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO AMEND THE REQUIRED LOT WIDTH FROM 55 FEET TO 45 FEET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Chairman Aston asked if Item Nos. 32 and 33 were related items. Robert Eastman, Principal Planner responded Item Nos. 32 and 33 were impacted by this application. If Item No. 22 was approved, Item No. 32 was not necessary and Item No. 33 would need to be continued until City Council considered ZOA-04-05. If ZOA-04-05 was continued or denied, then Item No. 32 should not be heard as it grants a blanket variance that was not within the powers of the Planning Commission and Item No. 33 would need to be continued or denied.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of D.R. Horton stating he was requesting a text amendment. On page three of the Staff Report, Staff had concerns with reducing the lot width. He stated they were willing to change the request to minimum 50' wide lots in an R-1 zoning district. He stated Staff was concerned with Snout houses (a garage dominated home). He pointed out that many houses in the Las Vegas Valley were dominated by garages. He stated typical lot sizes would still be a minimum 6,000 square feet but they must meet the front setback requirements. He stated the narrower lot width would allow a 30 foot plus back yard. Typically in R-1, there were 15 foot rear yard setbacks. He pointed out that although they were asking for a 50 foot wide product tonight, they were not infringing on the integrity of R-1 subdivisions for 6,000 square foot lots. The smallest rear yard setback would be 27 foot. The purpose of the text amendment was to maintain the integrity of a 6,000 square foot lot but what they would like to have was the flexibility to change the lot width. He felt because they were requesting a text amendment to change the minimum requirement of the lot width from 55 foot to 50 foot in width does not mean they would have a product line that would be less desirable as they still must meet the single-family guidelines. As long as they met the intent of 6,000 square foot lots, they should be allowed to have at least a minimum lot size of 50 foot in width. He pointed out in the Staff Report that a 45' x 90' lot would be a 4,000 square foot lot. He felt this argument of a 45 foot lot was mute since he was asking for a minimum lot width of 50 foot and 45' X 100' lots were approved in PUD applications for single-family lots. He stated the most important thing was, they were maintaining the integrity of the R-1 Zoning District which was 6,000 square foot lots. There was a concern, when the Code clearly stated a parcel or parcels could be filed for a variance and they were being denied so they need to have a legal opinion as to why they cannot have a blanket variance. If that was the case, the text amendment was the best way to go and if it did not work, there would still be 6,000 square foot lots; they would have the typical 60' X 100' lots.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked the Deputy City Attorney if he had any comments. Deputy City Attorney Nick Vaskov responded in regard to the blanket variance, it was the opinion of the City Attorney's Office that a blanket variance was not allowed under City Code. Therefore, with regard to Item No. 22, if it was approved by the Commission, it must still be approved by City Council, so Item Nos. 32 and 33 could not be approved, since the code does not allow for that. He stated the option for Item Nos. 32 and 33 was either a denial or continuance with the approval of the applicant.

Chairman Jay Aston stated he felt some of the issues in North Las Vegas in the past was having narrow lots with houses that all had the same setback and when the garage was on the lot, it looked like a row of garages instead of houses. He said the City of North Las Vegas had come a long way with design guidelines.

Commissioner Steve Brown stated he felt there was an advantage to reducing the width of the lots and maintaining 6,000 square foot lots because it increased the size of the back yard and made it more usable. He was concerned if the width were reduced to 50 foot and it was allowed to be blanket, then if two story homes were put in, that might be too much because it would be too dense.

Chairman Aston asked the Planning and Development Director, Jory Stewart if the Commission recommended that this item go forward to City Council, if the Commission could make recommendations for consideration by Council or if it had to be an up or down vote. Director Stewart responded before she answered the question, she would like to make a comment. She stated she found it difficult to consider a text amendment solely in the context of a particular development. When considering a particular development and not featuring a two story home, there was greater curb appeal because you could see the sky and there was an open feel. You think you can support the product and the lot width but once you change the Code, there would be no assurance you would get the same product every time and the Code would apply across the board. However, the remedy was they could apply for a PUD and they could go as narrow as 45 feet and a specific product could be considered in association with that PUD application. That was not the course of action that had been chosen and you were looking at a nice pleasing picture of some higher quality product but you did not know that would happen the next time around when a change was granted to the entire Code across the board. You may end up with unsightly snout houses with a predominant garage look to them that the City was trying to get away from. Director Stewart stated this was a nice looking product but really had no relationship to the front of the house. People still drive into the garage, they close the garage door and there was no orientation to the front of the street. If you talk to emergency personnel, the Police Department; Chief Paresi, was very concerned about crime prevention through

environmental design and one of the premises in Crime Prevention Through Environmental Design (CPTED) was to get eyes back on the street. She stated it was very important to have eyes on the street, then it was less likely to have crime occur in the street and you were less likely to have a person uncomfortable about being on the street or walking down the street because there were front porches, there were windows and activity in the front of the house. When the front of the house was dominated with garages, you lose the connection to the street and all the activity occurs in the rear of the home and she agreed with Commissioner Brown that having deeper rear yards could certainly facilitate doing more and having more activity in the back yard but you also needed to be sensitive to the integration of the design to the front of the house for safety reasons as well as aesthetic reasons. Director Stewart answered the Chairman's question, stating this was a text amendment and the Commission could recommend changes to be considered by City Council in their final action.

Chairman Aston stated he had asked that question because he realized there were other products that may be submitted that would not look as nice; however, he stated design guidelines had been initiated that altered the front of the house from where the garage was. If the Commission were to consider narrowing the lots, then maybe the location of the garage door could also be considered. If the lot was still 6,000 square feet with a width of 50 feet, the back yards would be deep, so two or four foot would not hurt the concept of the back yard but would give the variation on the street scene.

Commissioner Harry Shull stated he concurred with Chairman Aston on his statements. He stated there was a narrower product in PUD's and there were still eyes on the street. The new design guidelines have taken the City to great strides as far as improving the design of the communities being built. From a developer's standpoint, he felt back yards were very much in demand and this was a way that could be accomplished and he did not have a problem with the narrower lots.

Chairman Aston also added with the cost of property, when developers go with a PUD application, the developers were looking at a whole new set of amenities and giving up lots and the combination of the high property cost, parks, the amenities in the parks, it gets to a point where it was probably the biggest reason nothing was being submitted under \$6,000 square foot.

Commissioner Brown asked if this could be approved and items be added or if the motion maker had to add something that would direct how the Code was amended. Chairman Aston responded the item should be continued or denied.

Commissioner Brown stated one of the options was to change to a special use and asked legal their opinion. Deputy City Attorney Nick Vaskov responded with regard to whether there could be a vote on this item and also make some recommendations to Council at same the time, there were some concerns whether the notice requirement was being met.

He suggested an up or down vote or a continuance. If recommendations were to be made to Council on this item, it should be done separately or be considered at another time. With regard to whether this could be a special use, he felt that was something that could be investigated and perhaps more time would allow them to do that and give an actual opinion whether that would be appropriate or not.

Commissioner Brown added that with a PUD there was more open space but the back yards were lost in the process. He did not feel a PUD was always the right way to go.

Deputy City Attorney Nick Vaskov stated he had some concerns about the lot width being changed as it was noticed for 45 foot wide lots and felt proper notice had not given. Bob Gronauer commented you could always be more restrictive but you could not be more liberal and felt the notice was okay because the lots were wider than noticed. Director Stewart stated she agreed with Mr. Gronauer.

ACTION: APPROVED FOR 50 FOOT WIDE LOTS

MOTION: Commissioner Shull

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 32 was heard next.

23. FDP-05-05 (19393) MOUNTAIN SHADOW. AN APPLICATION SUBMITTED BY R. L. HOMES, LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 77 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF AZURE AVENUE AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-27-501-004, 124-27-501-006, AND 124-27-501-007.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of FDP-05-05 subject to the following conditions:

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 development of this site be in compliance with all conditions of Ordinance Number 2031 (ZN-88-04) and T-1127; and
3. That the following list of minimum amenities shall be provided:
 1. Circuitous lighted paths
 2. A minimum of 20 24-inch box trees per acre
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada picnic tables and barbecue grills
 4. At least one large open space area for group / organized play
 5. Doggie stations
 6. Picnic tables and grills
 7. 3 benches spaced along park pathways
 8. Details of amenities to be provided
4. The submitted landscape plan shall be considered conceptual. Landscape and irrigation plans shall be submitted for review and approval through the Building and Safety Division prior to recordation of any final map for the subject development.

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

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

24. **SPR-10-05 (19246) TREVI BUSINESS PARK. AN APPLICATION SUBMITTED BY SCOTT ACTON, ON BEHALF OF NAVAJO WHITE, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO REDUCE THE PARKING LOT SET BACK TO 5 FEET WHERE 20 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BAY LAKE TRAIL AND RINGSTAR ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-12-510-022, 139-12-510-030, 139-12-510-031 AND 139-12-510-023.**

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending denial of SPR-10-05 as a blanket waiver was approved on February 9, 2005 by the Planning Commission, SPR-04-05, within the Collins Business Park to allow a reduction of the landscape to 10 feet along Neeham Road, Bellington Road, Ringstar Road and Octagon Road. Developments in that area had been developed with the ten feet; therefore Staff would not approve a five foot reduction to the landscape.

Luis Roa, 6370 West Flamingo Road, Suite 14-J, Las Vegas, NV 89103 stated there was some inconsistencies in the landscaping in the Collins Business Park. He felt the landscape met the intent more than the other projects in the Business Park.

Chairman Jay Aston asked the applicant why the building could not be moved over five feet. Mr. Roa responded it could not be moved because there was a building setback of 35 feet. Chairman Aston asked the height of the building. Mr. Roa responded it was 32 ½ feet and stated there were other buildings in the area with the same type of landscaping he was requesting.

Commissioner Dean Leavitt stated changes to the landscape requirements had recently been made and had been enacted and he was not in favor of the landscape waiver.

Commission Harry Shull agreed with Commissioner Leavitt and was not in favor of the landscape waiver.

ACTION: DENIED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

There was a break in proceedings at 10:30 p.m.

The meeting reconvened at 10:37 p.m.

25. SPR-12-05 (19405) BOULDER PLACEMENT. AN APPLICATION SUBMITTED BY JERRY APPELHANS AND DEBRA TENNARIELLO, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT CONSISTING OF EXTERIOR STORAGE GREATER THAN 60,000 SQUARE FEET. THE PROPERTY IS GENERALLY LOCATED EAST OF DONOVAN WAY APPROXIMATELY 3000 FEET NORTHEAST OF CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-502-001.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of SPR-12-05 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.
2. Approval of a drainage study is required prior to submittal of the civil improvement plans.
3. Approval of a traffic study is required prior to submittal of the civil improvement plans.
4. A reversionary parcel map is required to be filed to combine parcels prior to civil improvement plan approval.
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 civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Donovan Road and Lone Mountain Road.
7. The property owner is required to grant a roadway easement for commercial driveway(s).
8. The developer shall submit a revised site plan showing the correct location of the northern property line in relation to the dedicated access easement from Lone Mountain Road prior to pulling any building permits.
9. The development shall comply with the Industrial Development Design Standards, including, but not limited to the following:
 - a. The perimeter fence wall along Donovan Road, Lone Mountain Road, and the railway spur shall be a decorative material approved by the Planning and Development Department.

10. Plot sight distance triangle at Donovan Road and Lone Mountain Road required to ensure its protection.
11. Any area(s) used for vehicular or mechanical travel must be paved.
12. Plans are required to show the power easement and poles along Donovan Road.

Jerry Appelhans of Boulder Placement, 2049 West Bonanza Road, Las Vegas, NV 89106 stated he concurred with Staff recommendation.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

26. SPR-13-05 (19403) NEW 7 UNIT SHOPPING CENTER. AN APPLICATION SUBMITTED BY EXCLUSIVE DESIGNS, ON BEHALF OF TACOS MEXICO, INC., PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT REQUESTING 10 FEET OF LANDSCAPING WHERE 20 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT 1612 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-24-414-038.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of SPR-13-05 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.
2. That the development shall comply with the Commercial Development Standards and Design Guidelines, except for the following:
 - a. A ten (10) feet of perimeter landscaping shall be provided along Civic Center Drive and Webb Avenue as shown on the site plan; and
 - b. A ten (10) foot landscape buffer shall be provided adjacent to the residential property to the east as shown on the site plan.
3. Landscape areas shall be provided as shown on the approved site plan.
4. Approval of a traffic study is required prior to submittal of the civil improvement plans.
5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Civic Center Drive.
6. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225.
7. The developer shall install "No Parking" signs on the frontage of Civic Center Drive and Webb Avenue.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. Appropriate 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*.

10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. All Nevada Power Company easements and poles must be shown. The poles shall be fully located within the landscape area and if the relocation of any poles is required it will be at the expense of the developer.
12. The property owner is required to sign a restrictive covenant for utilities.
13. The five (5) foot utility easement, adjacent to the south property line, must be shown on all future site plans and civil improvement plans.

Ezequiel Pescina, Exclusive Designs, 11330 Long Beach Blvd, Suite 201, Lynwood, CA 90262 appeared on behalf of the applicant and stated he concurred with Staff recommendation.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

27. **T-990 (19416) DONNA & DEER SPRINGS. AN APPLICATION SUBMITTED BY CENTEX HOMES, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED TENTATIVE MAP IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 516 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-019, 124-23-301-020, 124-23-701-005, 124-23-701-006, 124-23-801-003, 124-23-801-004, 124-23-801-005, AND 124-23-801-006.**

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of T-990 for a one year extension of time subject to the following conditions:

1. That all previously approved conditions for T-990 shall apply to all unrecorded portions of this development

Kathryn Grider, Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

28. **T-1160 (19180) ROME & GOLDFIELD. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES, ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN A C-2 GENERAL COMMERCIAL DISTRICT (PROPOSED R-3 MULTI-FAMILY RESIDENTIAL DISTRICT) AND AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 184 MULTI-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007 AND 124-22-801-011.**

It was requested by the applicant to continue T-1160 to April 13, 2005.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

29. **T-1165 (19402) CELEBRATE @ PROVANCE EAST. AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 262 PAIRED AND ATTACHED TOWNHOMES WITH RESTAURANT AND RETAIL COMMERCIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF SIMMONS STREET AND THE GOWAN DRAINAGE CHANNEL. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-601-002, 139-05-601-003, 139-05-601-004, 139-05-601-006, 139-05-601-007, 139-05-601-008, 139-05-601-009, 139-05-601-010, 139-05-601-014, 139-05-601-029, 139-05-601-031 AND 139-05-601-033.**

Commissioner Harry Shull stated he would be abstaining on the vote on this item as his company had an interest in the project.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval subject to five conditions and the addition of four conditions from the Fire Department with a modification from the Fire Department's memo dated March 21, 2005 on Condition No. 4 to delete the word "commercial" since it was a residential building. The recommended conditions of approval are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall not exceed 262 dwelling units.
3. The development shall fully comply with all conditions of approval for ZN-126-04.
4. Refuse collection areas and dumpsters of sufficient size and number for the needs of the development, as determined by staff and Republic Services, shall be provided. Refuse collection areas shall be distributed throughout the site and shall be located away from street fronts and screened from view from right-of-way and sidewalks as described in the Multi-family Residential Design Guidelines.
5. For multi-family residential areas, a 10' landscape easement shall be provided where private patios of rear yards encroach into the required landscape buffer adjacent to any abutting property.
6. 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.

7. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
8. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
9. The installation of fire sprinklers for fire suppression is required in each building greater than or equal to 5,000 square feet in area.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 and George Garcia, G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he agreed with the conditions of approval however, asked that Condition No. 4 be deleted because the issue being addressed in Condition No. 4 had already been addressed in the previous Planned Unit Development which was addressed in Condition No. 3 where it says "comply with all conditions of approval of ZN-126-04. Mr. Garcia stated Condition No. 16 on ZN-126-04, Ordinance No. 2105 specifically addressed this issue and the condition was best placed on the PUD.

ACTION: APPROVED WITH THE DELETION OF CONDITION NO. 4

MOTION: Commissioner Brown

SECOND: Vice Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, and Trivedi

NAYS: None

ABSTAIN: Commissioner Shull

30. T-1166 (19412) SHOPPING CENTER. AN APPLICATION SUBMITTED BY PETE MICHELIN, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-2 GENERAL COMMERCIAL DISTRICT CONSISTING OF RETAIL/COMMERCIAL USES. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAMB BOULEVARD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-101-001, 123-29-101-002, 123-29-101-003 AND 123-29-101-004.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of T-1166 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Approval of a traffic study is required prior to submittal of the civil improvement plans.
3. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Lamb Boulevard and Centennial Parkway.
4. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Centennial Parkway
 - b. Lamb Boulevard
 - c. Azure Drive
6. Right-of-way dedication and construction of a flared intersection is required at Lamb Boulevard and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
7. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.
8. 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.

9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. A revocable encroachment permit for landscaping within the public right of way is required.
12. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
13. Approval of a drainage study is required prior to submittal of the civil improvement plans.
14. 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.
15. 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.
16. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the actual thickness of the pavement sections will be determined by the Department of Public Works.

Ken Erlanger, KJE Consulting Engineers, Inc., 4130 S. Sandhill Road, Suite A-16, Las Vegas, NV 89121 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

31. **WAV-01-05 (19432) PALM AND CRAIG. AN APPLICATION SUBMITTED BY CELEBRATE HOMES ON BEHALF OF CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR A WAIVER TO REDUCE THE WIDTH OF YUCCA PALM AVENUE TO 34.5 FEET WHERE 41 FEET IS REQUIRED BY TITLE 16. THE PROPERTY IS GENERALLY LOCATED WEST OF REVERE STREET AND APPROXIMATELY 362 SOUTH OF CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-701-002.**

Commissioner Harry Shull stated he would be abstaining from the vote on this item as his company had an interest in this project.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was recommending approval of WAV-01-05 and that it be forwarded to City Council for final consideration subject to the following conditions:

1. That the portion of Yucca Palm Avenue adjacent to Lots 18 and 19 shall be reduced a minimum of 34.5 feet, as measured from back of curb to back of curb.
2. The developer shall provide red painted curbs and "No Parking" signs, in accordance with the Fire Code, adjacent to Lots 18 and 19, along the southerly side of Yucca Palm Avenue.

Kathryn Grider, Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant stating she agreed with Staff recommendation.

Commissioner Steve Brown asked for clarification if the waiver was for the entire length of Palm Avenue. Mary Aldava, Planner responded the waiver was for the stub street, the small portion adjacent to lots 18 and 19.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, and Trivedi

NAYS: None

ABSTAIN: Commissioner Shull

OLD BUSINESS

32. **VN-02-05 (18710) RIVERWALK RANCH COVE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY D. R. HORTON, INC., PROPERTY OWNER, FOR A VARIANCE IN A PUD PLANNED UNIT DEVELOPMENT (PROPOSED R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT) TO REDUCE THE MINIMUM LOT WIDTH TO 50 FEET WHERE 55 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-401-001, 124-30-401-002, 124-30-401-003, 124-30-401-007, 124-30-401-008, AND 124-30-401-009. (CONTINUED JANUARY 26 AND FEBRUARY 9, 2005)**

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he agreed to continue to May 11, 2005.

ACTION: CONTINUED TO MAY 11, 2005

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 33 was heard next.

33. **T-1151 (18709) RIVERWALK RANCH COVE. AN APPLICATION SUBMITTED BY D. R. HORTON, INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT (PROPOSED R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT) CONSISTING OF 94 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-401-001, 124-30-401-002, 124-30-401-003, 124-30-401-007, 124-30-401-008, AND 124-30-401-009. (CONTINUED JANUARY 26 AND FEBRUARY 9, 2005)**

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he agreed to continue to May 11, 2005.

ACTION: CONTINUED TO MAY 11, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 23 was heard next.

34. **T-1152 (18650) RIVERWALK RANCH HIGH NOON I. AN APPLICATION SUBMITTED BY D. R. HORTON, ON BEHALF OF D. R. HORTON, JJMSLP, AND THE LEAVITT C. FAMILY TRUST, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (PROPOSED R-3 MULTI-FAMILY RESIDENTIAL DISTRICT) CONSISTING OF 189 TRIPLEX UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF RANCH HOUSE ROAD AND MONTGOMERY STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-203-002, 124-30-202-001, 124-30-202-002, 124-30-202-003, 124-30-202-004, 124-30-202-005, 124-30-202-006, 124-30-202-007, 124-30-204-003 AND 124-30-204-004. (CONTINUED JANUARY 26 AND FEBRUARY 9, 2005)**

Item No. 20 and Item No. 34 were presented together.

The application was presented by Mary Aldava, Planner on behalf of Staff who indicated Staff was not supporting the requested reduction in required parking spaces and was not supporting the waiver request for 14' building separation. The applicant was proposing approximately 3.12 acres of open space which was the minimum required. There were areas that do not meet the 20' wide minimum requirement and the entry features had been included; however, were not allowed to be counted toward the open space; therefore the applicant was not meeting the open space required. The Parks and Recreation Department was recommending continuance until the developer meets with their Staff; therefore, Staff was recommending that T-1152 be continued to allow the applicant sufficient time to submit revised preliminary development plans. If the Planning Commission determined approval was warranted, Staff was recommending 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. That T-1152 shall become null and void if ZN-23-05 is not approved by the City Council.
3. The development shall comply with all conditions approval for ZN-23-05.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant. Mr. Gronauer explained the tri-plex units were sold as condos or townhomes and there was a snag with respect to the North Las Vegas Municipal Code because those type of developments, although they were for sale products, were considered a multi-family development pursuant to the standards. The reason was, that whenever there were three or more buildings together, it was considered multi-family. Therefore, Staff looked at the

project as a multi-family development. Currently, on the property, it was master planned and zoned for R-3, which you could build up to 25 units per acre. DR. Horton was proposing a density of approximately 11 units per acre. He pointed out the difference because by coming in with a planned unit development, it gave an opportunity to be more creative and innovative with the development being proposed. For example, instead of coming in with apartments and the typical multi-family, they were using buildings that were tri-plexes. Typically, when there was multi-family zoning, there were units that were six-plexes, eight-plexes and twelve-plexes that could be as wide as 160' in building mass and because of that, the code under multi-family design standards required a minimum separation between those buildings to be 20 feet. Although this development was classified as a multi-family development, and were still coming in with a PUD application, one of the waivers being requested was to have a 14 foot separation between the buildings. Although they were asking for the waiver, they felt they exceeded the intent because the building was from 51 to 61 feet in length and by asking for a 14 foot separation, they still break up the building mass. Mr. Gronauer stated this was a unique product, that although it was considered multi-family, it was actually broken up into smaller building mass, and that was why they believed this waiver should be approved. The second waiver being requested was the parking count. Mr. Gronauer stated he felt there was adequate parking and would exceed the parking requirements if the development were in Clark County and the City of Las Vegas and were consistent with other developments that had been approved in the Valley and also in Aliante and felt the parking waiver was justified. If more green space were removed, there would be more asphalt. They do not consider this a multi-family development because of the open space being provided, and believed they could meet the open space requirements. They were providing private back yards in some areas; unfortunately, if they were a multi-family development and had block walls, they would be able to count the open space and there was still over two acres of open space in the site that could not be counted.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato asked Staff the difference between the parking layout approved in Aliante and the current application. Robert Eastman, Principal Planner responded Aliante used the older standards that were in effect when their project was approved and also had their own set of design standards in the Development Agreement so their parking requirements were not as high as this application. The parking requirements currently in place were brought about through a zoning ordinance amendment which changed the requirements for the number of spaces which had increased the number of spaces for larger three bedroom units while decreasing the number for single bedroom units.

Chairman Jay Aston felt the zoning ordinance did not completely address all issues in attached for sale units, but Staff must use the current zoning for multi-family residences.

He asked the applicant if all of the driveways were eight foot in length. Mr. Gronauer responded it was his understanding they were all eight foot in length and they were not counted as parking spaces. The inside of the garages were counted as parking spaces. Chairman Aston agreed with Staff that the item should be continued to allow the applicant to work on the parking issues. Mr. Gronauer stated when a planned unit development was designed, they did not have to meet multi-family standards. The purpose of a PUD was to take away from the requirements and give something back and that was why more open space was provided than required.

Commissioner Steve Brown stated he did not have a problem with a 14 foot building separation and did not have a problem with the open space issue. He stated he was concerned with the parking, because if the garages were used as storage, there would not be enough parking, but felt the parking could be reduced some.

Mr. Gronauer stated, if parking was the Commission's greatest concern, he would work on the parking and would agree to a continuance.

Commissioner Dilip Trivedi asked the size of the back yards. Mr. Gronauer responded they were approximately 15' X 30'. Commissioner Trivedi stated he was concerned about the length of the driveway being only eight feet as the cars would be in the street when backing out of the driveway. Mr. Gronauer responded, in a private community, there was not as much traffic as on a public street, so backing out of the driveway was not that much of a concern.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 21, ZOA-03-05 was heard next.

35. VN-04-05 (18675) SIMMONS ASSOCIATES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SIMMONS ASSOCIATES, LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO REDUCE THE REQUIRED LANDSCAPING ON THE EAST AND SOUTH PROPERTY LINES TO 10 FEET WHERE 20 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-20-614-001. (CONTINUED JANUARY 26 AND FEBRUARY 23, 2005)

The applicant requested that VN-04-05 be withdrawn without prejudice.

Item No. 20, ZN-23-05 was heard next.

36. APPROVAL TO AMEND THE PLANNING COMMISSION BY-LAWS TO CHANGE THE TIME OF THE MEETING FROM 7:00 P.M. TO 6:00 P.M. AND ADD THE TIME OF BRIEFING AT 5:30 P.M. (FORWARDED FROM MARCH 9, 2005)

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

Planning and Development Director Jory Stewart stated the change in meeting time would apply to the May 11, 2005 Planning Commission Meeting.

37. **ZN-20-05 (19214) NORTH 5TH STREET AND WASHBURN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DYMON INVESTMENTS ON BEHALF OF GOLDFIELD 20, LLC, MICHAEL AND LISA WHITSETT, AND GOLD PYLE, LLC, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF GOLDFIELD STREET AND LA MADRE WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-701-011, 124-34-701-015, 124-34-701-020, 124-34-701-021, 124-34-701-025, 124-34-701-026, 124-034-701-029, 124-34-701-032 AND 124-34-701-038. (CONTINUED MARCH 9, 2005)**

Robert Eastman, Principal Planner stated the applicant was asking to continue ZN-20-05 to April 13, 2005.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and asked that ZN-20-05 be continued to April 13, 2005 in order to work out some issues with Staff.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 13, 2005

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, and Trivedi

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation

DIRECTOR'S BUSINESS

Planning and Development Director Jory Stewart handed out notes from the Planning Commission Workshop regarding small lots and asked the Commission to consider forwarding a letter to City Council asking for a joint study session.

CHAIRMAN'S BUSINESS

No report was given.

ADJOURNMENT

The meeting adjourned at 11:00 p.m.

APPROVED: April 27, 2005

/s/ Jay Aston
Jay Aston, Chairman

/s/ Jo Ann Lawrence
Jo Ann Lawrence, Recording Secretary