

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

May 25, 2005

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

**BRIEFING:** 5:35 pm., Conference Room, North Las Vegas City Hall,  
2200 Civic Center Drive

**CALL TO ORDER:** 6:04 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 - Absent  
Commissioner Steve Brown - Present  
Commissioner Dilip Trivedi - Present  
Commissioner Angelo Carvalho - Present

**STAFF PRESENT:** Jory Stewart, Planning and Development Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Bethany Wagner, Planner  
Jim Lewis, Sr. Deputy City Attorney  
Nick Vaskov, Deputy City Attorney II  
Lenny Badger, Manager, Development & Flood Control  
Clete Kus, PW, Transportation Planner  
Terri Davis, Fire Department  
Tony Taylor, Parks Planner  
Jo Ann Lawrence, Recording Secretary

**VERIFICATION:** Jo Ann Lawrence, Recording Secretary

**PLEDGE OF ALLEGIANCE:** Chairman Jay Aston

**WELCOME:** Chairman Jay Aston

**MINUTES**

**APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING  
OF APRIL 27, 2005.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**CONSENT AGENDA**

**A. PW-68-05 (20862) NVE NEVADA STATE BANK: APPROVE THE COMMERCIAL  
DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY NEVADA  
STATE BANK AND ACCEPT THE CASH-IN-LIEU OF BOND IN THE AMOUNT OF  
\$53,456.26.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**B. PW-69-05 (20863) REVERE & COLTON: APPROVE THE SUBDIVISION OFF-  
SITE IMPROVEMENTS AGREEMENT BY PLASTER DEVELOPMENT, INC. AND  
ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$1,156,668.59.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

- C. PW-70-05 (20864) ELDORADO MEETING HOUSE: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, SOLE AND ACCEPT THE IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$695,483.17.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

- D. PW-71-05 (20865) NELSON RANCH, UNIT 2B: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY CENTEX HOMES AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$432,044.58.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

- E. PW-72-05 (20866) NVE ALIANTE PARCEL 39: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY NVE COMMERCIAL, LLC AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$801,296.87.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**F. PW-73-05 (20867) NVE PARCEL 40: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY NVE COMMERCIAL, LLC AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$218,234.37.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**G. PW-74-05 (20869) ALEXANDER & COMMERCE: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY U.S. HOME CORPORATION AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$1,233,963.09.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**H. PW-75-05 (20870) CAMINO AL NORTE MEDICAL & PROFESSIONAL PLAZA: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY THE HANOVER INSURANCE COMPANY TO RELEASE THE SUBDIVISION BOND IN THE AMOUNT OF \$105,424.61.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

### NEW BUSINESS

1. **UN-40-05 (20243) COMMERCE & CENTENNIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LLD TEMPLE, LLC ON BEHALF OF CCD TEMPLE, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO ALLOW FOUR (4) SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-813-029, 124-22-813-040 AND 124-22-813-085.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval for lot Nos. 66, 101 and 128. These lots all meet or exceed the minimum 6,000 square foot lot size requirement for an R-1 request. However, Lot No. 55 was a little over 3,000 square feet, which falls into the small lot design standard; therefor, Staff is not supporting it but recommends the applicant combine that lot with Lot Nos. 55 through 59, which would increase the size of the lots and still allow two duplex units. Staff also was not supporting the waiver for the three single family homes. The recommended conditions of approval for Lots Nos. 66, 101 and 128 are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the development comply with the Single Family Design Guidelines for any single-family or two-family dwelling units.
3. Approval shall only apply to Lots 66, 101 and 128.
4. 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.

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she understood Staff's concerns regarding Lot No. 55 and understood there was no waiver mechanism in the Code. She stated she agreed with Staff's recommended conditions with respect to the three single-family homes and on Lot No. 55 they planned to come back in the future for a tri-plex unit on Lot Nos. 55, 56 and 57. Ms. Keetch stated the applicant had a contemporary design and felt the code provision they were asking to waive, contemplated that type of design so in the event the developer had come forward with a unique, creative architectural design, that a waiver was appropriate.

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

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked Staff for input regarding the applicant's position on the pop-outs. Marc Jordan, Planning Manager responded he had not seen the elevations presented, so he was not familiar with it and had not seen the elevations for the single-family homes so Staff would not be in support of the waiver request.

Chairman Aston confirmed with the applicant that the application was to allow four single family dwellings and Staff had agreed to allow three of those and was okay with Staff's recommendation. Ms. Keetch responded she was okay with that. Chairman Aston asked if the elevations were a part of the use permit. Mr. Jordan responded the elevations were not included in the request.

Ms. Keetch stated the elevations that were part of the packet were black and white so the elevations did not show very well, but were submitted with the packet for consideration.

Chairman Aston asked if the elevations were part of the application. Ms. Keetch responded they were but understood Staff stating they were not with respect to the single-family units; however, with respect to the duplexes, they did ask for a waiver for relief from the requirement to design the architectural pop-outs.

Mr. Jordan stated on the letter of intent, it was indicated a waiver of the single-family design guidelines requiring an exemption from the proposed project of all sides of each dwelling unit. There might be a misunderstanding because they looked at it as single-family dwelling units and it may have actually been a request for a waiver of all the dwelling units in the development, which had not been contemplated by Staff and if the applicant would agree, he recommended a two week continuance to allow Staff to meet with the applicant and get clarification and elevations on the item. Staff would also be able to discuss the triplex unit the applicant mentioned.

Ms. Keetch agreed to a two week continuance.

**ACTION:** CONTINUED TO JUNE 8, 2005

**MOTION:** Commissioner Leavitt

**SECOND:** Vice-Chairman Cato

**AYES:** Chairman Aston, Vice-Chairman Cato, Commissioner Leavitt, Brown, Trivedi and Carvalho

**NAYS:** None

**ABSTAIN:** None

2. **ZN-49-03 (20367) LA MADRE SQUARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY D. R. HORTON INC., PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD PLANNED UNIT DEVELOPMENT DISTRICT ALLOWING 33% OF THE 125 DUPLEX UNITS TO CONSIST OF 1,000 SQUARE FOOT UNITS. THE PROPOSED AMENDMENT WOULD ALLOW 38% OF THE HOMES TO CONSIST OF 1,000 SQUARE FOOT UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LA MADRE WAY AND CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-702-001.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending denial of ZN-49-03 as the applicant could make changes to the development without losing any open space and still comply with the living area requirements. However, if the Planning Commission determines that approval is warranted at this time, the Department of Planning and Zoning recommends the following amended condition:

12. That this development be in compliance with the Single-Family Development Standards and Design Guidelines with the following exception:
  - a. That 38% of the development may contain dwellings a minimum of 1,000 square feet of living space.

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating when they originally came forward with the project, they agreed to a condition that limited the number of 1,000 square foot units to 33%. When the project was designed, it came out to 47 total lots that were at the 1,000 square foot minimum which equaled 38% so they were requesting a five lot increase. Ms. Keetch stated only one floor plan would fit on the lot. The tri-plex includes a 1,000, a 1,200 and a 1,400 square foot unit. Because of the width and depth of the lots, only the 1,000 square foot unit will fit on the five lots.

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

Chairman Aston closed the Public Hearing.

Chairman Aston asked the applicant how many units were on a stub street. Ms. Keetch responded there were two tri-plex products, each with a 1,000, a 1,200 and 1,400 square foot unit.

Chairman Aston asked Staff if they had another solution. Mr. Jordan responded there were three models with six units on each pod. Staff's recommendation was, instead of using the

1,000 square foot model, they could use one of the other models for the five lots. Chairman Aston asked if the 1,200 foot models were a stand alone product. Ms. Keetch responded it was part of the tri-plex.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDATION

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Brown

**AYES:** Chairman Aston, Vice-Chairman Cato, Commissioners Levitt, Brown, Trivedi, and Carvalho

**NAYS:** None

**ABSTAIN:** None

3. **ZN-25-93 (20262) CELEBRATE @ CASA DEL SOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES ON BEHALF OF LIED FOUNDATION TRUST, PROPERTY OWNER, TO AMEND APPROXIMATELY 15.4 ACRES OF A PREVIOUSLY APPROVED PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 2.7 ACRES OF COMMERCIAL AND 12.7 ACRES OF RESIDENTIAL CONTAINING 90 SMALL LOT SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-001.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-25-93 with the addition of Condition No. 34 to read "*Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code;*" renumbering Condition Nos. 1 through 4 under the Commercial Developments category to 35 through 36; and Condition No. 38 amended to read, "*That the commercial uses in this planned unit development shall be those only allowed in the C-1 Neighborhood Commercial District as principally permitted uses or as special uses subject to title 17.24.020 and 17.28.050 with the exception of the following: a tavern/restaurant, saloon or Nonprofit Club shall be prohibited.*" The recommended conditions of approval are as follows:

Residential Small Lot Development:

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 Small-Lot Development Design Guidelines, except for the following:
  - a. A six (6) foot landscape parkway is not required for Lots 20, 21, 22, 23, 31, 32, 33, 34, 51, 52, 53 and 54 adjacent to the stub street.
  - b. The development is not required to comply with the Type II lot depth and width.
  - c. Lots adjacent to entry of the subdivision are not required to be single-story.
3. That no more than 86 lots be permitted for this development.
4. The concrete pavers shall be provided within all sub streets, subject to staff review and approval.
5. That the homeowners' association shall maintain all front yard areas, including sidewalks and parkways.

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. 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
8. That all open space shall be provided in accordance with the Small-Lot Development Design Guidelines (§17.24.215). Open space areas shall be clearly defined and approved as part of the Final Development Plan. If necessary, revisions shall be required to satisfy the minimum open space requirements.
9. Lot number one (1) shall be revised or relocated in order to accommodate a residential driveway per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements*, Drawing Number 222.
10. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
11. No driveway shall be located within six (6) feet of a curb return, light pole, fire hydrant or other utility features. Compliance may require modifications to the site.
12. The Department of Public Works has no objection to the proposed street widths, however, parking must be provided as specified in Title 17 of the *City of North Las Vegas Municipal Code*.
13. Curb extensions shall be provided at the following locations:
  - a. Adjacent to lot 60 at the intersection of Shady Bay and Malibu Meadows.
  - b. Adjacent to Common Element "C" on Malibu Meadows Street.
  - c. Adjacent to lots 20 and 23 on Malibu Meadows Street.
  - d. Adjacent to lot 74 at the intersection of Malibu Meadows and Hidden Haven.
14. A sidewalk shall be provided adjacent to lots 74 and 80 to provide access to Common Element "B".
15. Sidewalk is required on a minimum of one side of all interior, private streets.

16. Sidewalks shall be mapped as part of the private street or located within a common element and not part of the lot.
17. Approval of a drainage study is required prior to submittal of the civil improvement plans.
18. 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.
19. Approval of a traffic study is required prior to submittal of the civil improvement plans.
20. A queuing analysis is required.
21. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Simmons Street and Lone Mountain Road.
22. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Lone Mountain Road and Simmons Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
23. Right-of-way dedication and construction of a CAT bus turn-out is required on Simmons Street near Lone Mountain Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
24. The property owner is required to grant roadway easements where public and private streets intersect.
25. All common elements shall be labeled and are to be maintained by the Home Owners Association.
26. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
27. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
28. 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.

29. A revocable encroachment permit for landscaping within the public right of way is required.
30. All off-site improvements must be completed prior to final inspection of the first home.
31. 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.
32. All off-site improvements must be completed prior to final inspection of the first building.
33. That the following list be established as the minimum open space and recreational amenities:
  - 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 (ref: ASTM Playground Equipment for Public Use, sec. 6.2-6.3), and accompanying shade ramada
  - d. At least one large grassy open space area for group / organized play
  - e. One large shade area/gazebo(30' diameter), lighted (due to small size of open space, this will be used for the shade ramada for the playground area)
  - f. picnic tables and barbecue grills
  - g. Benches spaced along park pathways
  - h. basketball court
  - i. doggie stations
  - j. Details of amenities to be provided
34. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code

Commercial Development:

35. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
36. The development shall comply with the Commercial Design Standards and Design Guidelines.

37. A final development plan shall be required for Planning Commission review and approval.
38. That the commercial uses in this planned unit development shall be those only allowed in the C-1 Neighborhood Commercial District as principally permitted uses or as special uses subject to title 17.24.020 and 17.28.050 with the exception of the following: a tavern/restaurant, saloon or Nonprofit Club shall be prohibited.

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she concurred with Staff recommendation.

**Dave Clapsaddle of G.C. Garcia, Inc. 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** clarified the landscape waiver. He stated they were adding landscaping in the green areas and were not asking for any waivers from the open space, parking and agree to all conditions of approval.

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

**Iris Gross, PO Box 85663, Las Vegas, NV 89185** asked how many square feet was in a small lot dwelling. Marc Jordan responded a small lot could range from 2700 square feet up to 4750 square feet and the applicant's lots would range about 3000 square feet. The minimum living area would be 1200 square feet with a two car garage. Ms. Gross asked what was going in the commercial area. Chairman Aston responded the commercial area was not part of the application.

**Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031** appeared in support of the application and thanked Staff for their time.

Chairman Aston Closed the Public Hearing.

Mr. Clapsaddle responded to Ms. Gross' concern regarding the commercial property, stating there was a condition requiring a site plan approval for the commercial parcel and would keep the neighborhood informed.

Marc Jordan, Planning Manager stated Mr. Clapsaddle indicated the three lots they did not want to landscape, so, if there was a desire by the Commission not to landscape those three lots, then Condition No. 2.a would need to be amended to include the three lots as part of the condition.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH CONDITION NO. 2a AMENDED AS FOLLOWS:

2a. A SIX (6) FOOT LANDSCAPE PARKWAY IS NOT REQUIRED FOR LOTS 20, 21, 22, 23, 31, 32, 33, 34, 51, 52, 53, 54, 76, 77 AND 78 ADJACENT TO THE STUB STREET.

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

**4. UN-42-05 (20298) WESTLAND CORPORATE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEAN SHEPARDSON ON BEHALF OF FRED KAVLI, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending a 30 day continuance so Staff could view elevations of the proposed use to ensure its compatibility with the existing design of the center and the other two special uses also on the agenda. If the Commission approves UN-43-05, Staff recommends the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The applicant must comply with all conditions of approval for SPR-34-02.
3. The applicant shall submit a traffic study update for review and approval.
4. The proposed site plan and restaurant building shall comply with the commercial design standards.
5. That building elevations shall be compatible with the other convenience food restaurant use with drive-thru in architectural style and design.

**Dean Shepardson, 2110 East Flamingo Road, Suite 105, Las Vegas, NV 89119** appeared on behalf of the applicant stating at the present time there was not a specific use. Initially, when the use permit was approved, it was the same scenario. The architect put together some elevations of what could possibly be built.

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

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked Staff if the pads were presented along with the other portion of the complex when originally applied for. Mr. Jordan responded the pads were approved when the site plan review for the whole site was approved and did not believe elevations were submitted at that time either. There was a condition in the site plan review that addressed the pads indicating the elevation of the pads would need to be consistent and would be subject to Staff review and approval. With this being a new use permit, there were conditions listed, if it were the Commissions desire for Staff to review those when

permits were submitted. Commissioner Leavitt stated if the applicant was just getting things in place to sell the pads, a 30 day continuance could be futile and maybe an indefinite continuance would be better. Mr. Jordan responded that was true and the applicant could come back at a later date when there was a proposed business for the site or it could be approved now. Normally, when there are convenience food restaurants, the elevations are presented when the application is submitted. Commissioner Leavitt stated the concern of Staff and the Commission was that the development maintain compatibility with the current portion of the center. Mr. Jordan stated that was a commercial guideline.

Chairman Aston asked the applicant if he was agreeable to an indefinite continuance. Mr. Shepardson responded he was not as he was trying to get the use permit activated so there would be a negotiating tool. Some of the fast food corporations liked to move quickly and this would aide in that. He stated most fast food restaurants had their own unique designs, so as far as being compatible with the rest of the center, he did not feel that would happen and he was trying to create a retail belt on Pecos Road.

Chairman Aston asked Mr. Jordan if one of the stated conditions, if the Commission's desire was for approval, stated the applicant must comply with all conditions of approval for a site plan review and if the site plan review addressed elevations. Mr. Jordan responded a site plan review did address elevations. Chairman Aston asked if the applicant must comply with those conditions, if the Commission would still have a chance to review the elevations. Mr. Jordan responded if the Commission wanted to review the elevations, a condition would need to be added requiring a site plan review to be reviewed and approved by the Planning Commission prior to issuance of a building permit.

Commissioner Leavitt informed the applicant the Planning Commission and City Council had the authority to request franchisees to come within the guidelines of the Commercial Design Standards. The applicant responded he understood and stated they were not selling the pads, they were leasing them.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE ADDITION OF CONDITION NO. 6 TO READ:

6. A SITE PLAN REVIEW IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Carvalho

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

**NAYS:** None

**ABSTAIN:** None

5. **UN-43-05 (20299) WESTLAND CORPORATE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEAN SHEPARDSON ON BEHALF OF FRED KAVLI, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006.**

The application was presented by Marc Jordan, Planning Manager who stated based on the discussion from Item No. 5, UN-42-05 Staff was recommending Approval with the addition of Condition No. 6 to read: *A site plan review is required prior to building permit issuance.* The recommended conditions of approval are 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 applicant must comply with all conditions of approval for SPR-34-02.
3. The applicant shall submit a traffic study update for review and approval.
4. The proposed site plan and restaurant building shall comply with the commercial design standards.
5. That building elevations shall be compatible with the other convenience food restaurant use with drive-thru in architectural style and design.
6. A site plan review is required prior to building permit issuance.

**Dean Shepardson, 2110 East Flamingo Road, Suite 105, Las Vegas, NV 89119** 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 WITH THE ADDITION OF CONDITION NO. 6 TO READ AS FOLLOWS:

6. A SITE PLAN REVIEW IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.

MOTION: Commissioner Leavitt  
SECOND: Commissioner Carvalho

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

**6. UN-44-05 (20300) WESTLAND CORPORATE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEAN SHEPARDSON ON BEHALF OF FRED KAVLI, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006.**

The application was presented by Marc Jordan, Planning Manager who stated based on the discussion from Item No. 5, UN-42-05 Staff was recommending Approval with the addition of Condition No. 6 to read: *A site plan review is required prior to building permit issuance.* The recommended conditions of approval are 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 applicant must comply with all conditions of approval for SPR-34-02.
3. The applicant shall submit a traffic study update for review and approval.
4. The proposed site plan and restaurant building shall comply with the commercial design standards.
5. That building elevations shall be compatible with the other convenience food restaurant use with drive-thru in architectural style and design.
6. A site plan review is required prior to building permit issuance.

**Dean Shepardson, 2110 East Flamingo Road, Suite 105, Las Vegas, NV 89119** 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 WITH THE ADDITION OF CONDITION NO. 6 TO READ AS FOLLOWS:

6. A SITE PLAN REVIEW IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.

**MOTION:** Commissioner Leavitt  
**SECOND:** Commissioner Carvalho

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

7. **UN-45-05 (20301) WESTLAND CORPORATE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEAN SHEPARDSON ON BEHALF OF FRED KAVLI, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006.**

It was requested by the applicant to withdraw UN-45-05 without prejudice.

**8. VAC-13-05 (20249) EASEMENT VACATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DONALD L. DENMAN, PROPERTY OWNER, TO VACATE THE EASTERLY 155 FEET OF AN EASEMENT COMMENCING AT LONE MOUNTAIN ROAD AND PROCEEDING NORTH APPROXIMATELY 1,263 FEET. THE ASSESSOR'S PARCEL NUMBER IS 123-31-801-001.**

The application was presented by Bethany Wagner, Planner on behalf of Staff who indicated Staff was recommending approval of VAC-13-05.

**Larry Gearheart of D.L. Denman Construction Company, 4880 Donovan Way, North Las Vegas, NV 89031** 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 Carvalho

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

NAYS: None

ABSTAIN: None

9. **AMP-20-05 (20371) DECATUR/GRAND TETON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KB HOME NEVADA, INC., ON BEHALF OF KB HOME NEVADA, INC., AND LONE MOUNTAIN EL CAMINO, LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VLDR VERY LOW DENSITY RESIDENTIAL TO LDR LOW DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED EAST OF DECATUR BOULEVARD AND APPROXIMATELY 632 FEET NORTH OF GRAND TETON DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-07-401-001 AND 124-07-401-002.**

The application was presented by Bethany Wagner, Planner on behalf of Staff indicating Staff was recommending approval of AMP-20-05.

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she 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: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

10. **ZN-41-05 (20369) DECATUR/GRAND TETON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KB HOME NEVADA, INC., ON BEHALF OF KB HOME NEVADA, INC., AND LONE MOUNTAIN EL CAMINO, LLC, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN OL OPEN LAND DISTRICT TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED EAST OF DECATUR BOULEVARD AND APPROXIMATELY 632 FEET NORTH OF GRAND TETON DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-07-401-001 AND 124-07-401-002.**

The application was presented by Bethany Wagner, Planner on behalf of Staff indicating Staff was recommending approval of ZN-41-05.

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she 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: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**11. UN-41-05 (20246) PECOS CRAIG BUSINESS CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY IGLESIA CRISTIANA EBENEZER ON BEHALF OF ARCHE'S PLACE, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 4230 NORTH PECOS ROAD, SUITES 8 AND 9. THE ASSESSOR'S PARCEL NUMBER IS 140-06-317-003.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of UN-41-05 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. UN-41-05 is site-specific and non-transferable.

**Eunice Garcia, 2721 Spear Street, North Las Vegas, NV 89030** appeared on behalf of Iglesia Christiana Ebenezer stating they would have four services per week.

**Arlene Niles, 3790 South Paradise Road, Las Vegas, NV 89109**, leasing agent for the project, asked the meaning of Condition No. 1. Mr. Eastman explained the church, except for the use permit, would comply with all other regulations, either codes or zoning ordinances.

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

Chairman Aston closed the Public Hearing.

**Robert J. Claus, 22211 SW Pacific Highway, Sherwood, OR 97140** stated he was the owner of Arche's Place and asked if the use was compatible as long as the tavern was not expanded and asked if that meant square footage.

Vice-Chairman Cato asked if the owner of Arche's Place was aware of the condition that, if in the future, they wanted to expand the tavern, they would not be allowed to. Ms. Niles responded Mr. Claus was the owner.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION**

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Carvalho**

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

**NAYS: None**

**ABSTAIN: None**

**12. UN-47-05 (20368) DUDLEY'S TRANSMISSION INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUSAN CANNAVO, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 4150 NORTH LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-401-001.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of UN-47-05 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; and
2. The applicant shall install landscaping in areas indicated on the submitted site plan, including the area adjoining the north property line, that meets zoning ordinance requirements prior to the application for a business license.
3. The applicant shall execute an approved landscape plan that meets zoning ordinance requirements prior to the application for a business license, subject to staff review and approval.
4. The chainlink gates to the north of the building shall be replaced with a wall that meets the requirements of the zoning ordinance prior to the application for a business license.
5. The existing chainlink gates for the refuse enclosure and the outside storage area shall be replaced with solid metal gates prior to application for a business license.
6. UN-47-05 is site-specific and non-transferable.
7. The two angled handicap parking spaces in front of the building shall be removed and relocated.

**Susan Cannavo, 3966 Ruskin Street, Las Vegas, NV 89147** appeared stating she was confused about the conditions related to the landscaping. She stated the site plan submitted, was pre-existing from the previous owners and there were five or six palm trees already on the site. She asked if a metal gate was required on the south or north side of the building. Chairman Aston asked if the site plan presented already had an existing landscape. Mr. Cannavo responded it did. Chairman Aston asked if the chainlink gates mentioned in Condition No. 4 were existing and asked where the gates were located. Ms.

Cannavo pointed out the location of the chainlink gates. Chairman Aston asked Ms. Cannavo if she was requesting the gates be left as is. She responded yes, and stated one gate was opened during the day and closed at night and had barbed wire.

Chairman Aston asked Mr. Eastman to clarify Condition No. 4. Mr. Eastman responded the recommendation was for a wall and solid metal mesh gates, which was the design standard. Chain Link is not a preferred material. On the southern part, where the existing chainlink gates are, should be a solid metal mesh or wrought iron if that was the Commission's decision. Along the northern portion, if the site plan is as shown and there is vegetation on the north, a gate would not be needed. Ms. Cannavo stated the landscape area was straight and did not curve around, it divided the two properties.

Ms. Cannavo stated the outside storage buildings would be removed.

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

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato stated she would support the application if Condition No. 3 remained. She was confused on the chainlink gates and asked if they were asking for changes to the gate on the north side of the building. Mr. Eastman responded the site plan submitted showed the portion to the north was landscape area. On a site visit, that area was now paved; so, if the site plan showed the area to the north was going to be landscaped, then it should be landscaped. If they want to keep it as pavement and be able to drive through the area, then a solid wall would not be appropriate; however, a gate would be appropriate and Staff would prefer to see a gate that was in compliance with the design standards which would be either wrought iron or solid metal and mesh.

Commissioner Dean Leavitt asked the applicant if they were utilizing the existing parking. Ms. Cannavo responded they were. Commissioner Leavitt explained that was why the screened gate was required, to eliminate public seeing the blight.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDATION

**MOTION:** Commissioner Leavitt

**SECOND:** Vice-Chairman Cato

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

**NAYS:** None

**ABSTAIN:** None

**13. UN-48-05 (20373) 2831 JUDSON ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLR FINANCIAL, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-3 MULTIFAMILY RESIDENTIAL DISTRICT TO ALLOW A SINGLE-FAMILY DWELLING. THE PROPERTY IS LOCATED AT 2831 JUDSON AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-24-210-236.**

The application was presented by Bethany Wagner, Planner on behalf of Staff who indicated Staff was recommending approval of UN-48-05 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Single-Family Design Guidelines including but not limited to:
  - a. That the body and trim finish and roof materials of the dwelling unit shall be beige, tans, earth tones, warm pastels or neutral colors indigenous to the Las Vegas Valley and its surrounds, or from the southwest region; and
  - b. Concrete or clay tile, or other Class A Type roofing materials of a similar appearance to concrete or clay tile, shall be used on all sloped roofs. Any area of a roof which utilizes a flat roof design shall incorporate a parapet wall or cornice element on all sides of the area; and
  - c. Mechanical equipment such as air conditioning units and satellite dishes shall be concealed from view of public streets and neighboring properties by dense landscaping, a wall equal to the height of the mechanical equipment being screened and of similar material and design to surrounding walls, or be located behind private yard walls. All exterior air conditioning units shall be ground mounted; and
  - d. Each residential lot shall have a minimum of one tree planted between the sidewalk and the front of each house at the time the house is constructed, in accordance with Section 17.24.210 (E)(6).

**Barry Williams, 9521 Swan Bay Lane, Las Vegas, NV 89117** 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:** Vice-Chairman Cato

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

**NAYS:** None

**ABSTAIN:** None

14. **VAC-14-05 (20372) VACATION OF FUSELIER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN, LLC, ON BEHALF OF ALEX COLEMAN, LLC, ROBBIN S. MARTINDALE, ETAL, VELMA DUPREE ELLIS GRUBBS, PROPERTY OWNERS, TO VACATE FUSELIER DRIVE BETWEEN GOWAN ROAD AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-501-004, 139-08-501-005, 139-08-501-008, 139-08-501-009, 139-08-502-001, 139-08-502-003, 139-08-502-007, 139-08-502-008, 139-08-601-008, 139-08-602-001, 139-08-602-003 AND 139-08-602-005.**

It was requested by the applicant to continue VAC-14-05 to June 8, 2005.

Chairman Jay Aston opened the Public Hearing. The following participant declined to comment at this time:

**Sandy Allen, 3947 Fuselier Drive, North Las Vegas, NV 89032**

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 8, 2005

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

15. **VN-18-05 (20366) LAUREL CANYON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES, PROPERTY OWNER, FOR A VARIANCE IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW 18 FOOT HIGH WALLS WHERE 12 FEET IS THE MAXIMUM HEIGHT. THE PROPERTY IS GENERALLY LOCATED EAST OF PECOS ROAD AND APPROXIMATELY 280 FEET NORTH OF WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-31-210-013 THRU 123-31-210-028 AND 123-31-210-033 THRU 123-31-210-040.**

The application was presented by Bethany Wagner, Planner on behalf of Staff who indicated Staff was recommending approval of VN-18-05 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That this approval shall allow for a 12 foot retaining wall at the rear of lots 13 through 27, a portion of lot 28, and lots 33 through 40. Also, that the screen wall shall not exceed six (6) feet in height from the finished grade of the property enclosed by the wall.
3. That the walls shall be sealed by an approved method to prevent the leaching or transmission of sulfates or calcium deposits through the walls, as approved by the Building Department.
4. Both the screen and retainer walls shall be decorative and made to match the perimeter wall design, according to the requirements in Section 17.24.210 of Title 17.

**Steve Mumford of WRG Design, 3011 West Horizon Ridge Parkway, Henderson, NV 89014** 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: Vice-Chairman Cato

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

NAYS: None  
ABSTAIN: None

16. **SPR-20-05 (20358) PECOS-GOWAN COMMERCIAL CENTER. AN APPLICATION SUBMITTED BY JOSEPH GOLSHAN, ON BEHALF OF SHELBOURNE TOWERS, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT REQUESTING WAIVERS TO THE COMMERCIAL DEVELOPMENT STANDARDS AND THE DESIGN GUIDELINES' REQUIREMENTS TO ORIENT THE BUILDING TO THE STREET FRONT OF THE PROPERTY AND TO PROVIDE MEANDERING SIDEWALKS. THE PROPERTY IS GENERALLY LOCATED WEST OF PECOS ROAD AND APPROXIMATELY 125 FEET SOUTH OF GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-12-702-002.**

Robert Eastman, Principal Planner stated the applicant was requesting that SPR-20-05 be continued.

**Arnold Stalk, 7432 West Sahara Avenue, Suite 101, Las Vegas, NV 89117** stated he was requesting SPR-20-05 be continued for two weeks, to allow them to work out some site plan issues with Staff.

ACTION: CONTINUED TO JUNE 8, 2005

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**17. T-1177 (20374) RIVERWALK. AN APPLICATION SUBMITTED BY TERRITORY, INC., ON BEHALF OF RIVERWALK TERRITORY, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF ONE (1) COMMERCIAL LOT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND SAN MATEO STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-401-011, 124-30-401-012, 124-30-401-016, 124-30-401-017 AND 124-30-401-018.**

The application was presented by Bethany Wagner, Planner on behalf of Staff who indicated Staff was recommending approval of T-1177 with Condition No. 3 deleted and Condition No. 4 amended. The recommended conditions of approval are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. 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. Montgomery Street
  - b. San Mateo Street
  - c. Ann Road (may be subject to Ann Road S.I.D.)
3. Should the applicant desire to vacate Montgomery Street, as shown on the Tentative Map, an application for a vacation must be submitted to the City. It should be noted that if the vacation of Montgomery Street is approved, the actual street must still be constructed as a private street.
4. The legal description omits Lot 467, which should be included, and duplicates Lot 470. Revise the legal description accordingly.
5. The adjacent property at the southwest corner of this lot shall be identified on the final map.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
8. 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

9. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
11. 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.
12. 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.
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. A revocable encroachment permit for landscaping within the public right of way is required.
15. 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.
16. All off-site improvements must be completed prior to final inspection of the first building.
17. 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.
18. The property owner is required to grant a roadway easement for commercial driveway(s).
19. The property owner is required to sign a restrictive covenant for utilities.

**Susan Johnston of Stanley Consultants, 5820 South Eastern, Las Vegas, NV 89119**  
appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

- 18. FDP-07-05 (20356) STARWOOD II. AN APPLICATION SUBMITTED BY TOUSA HOMES, INC., ON BEHALF OF EMAD SAMUEL LABIB, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 93 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF CONCORD STREET AND CARTIER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-16-701-008.**

The application was presented by Bethany Wagner, Planner on behalf of Staff who indicated Staff was recommending approval of FDP-07-05 subject to the following conditions including the addition of two amenities, 3.j and 3.k. The recommended conditions of approval of as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development comply with all conditions of approval of ZN-67-04 and T-1115.
3. The following park 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 (ref: ASTM Playground Equipment for Public Use, Sec. 6.2-6.3) with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
  - d. At least one large grassy open space area for group/organized play
  - e. One large group shade area / gazebo (30' diameter), lighted
  - f. Picnic tables and barbecue grills
  - g. Benches spaced along park pathways
  - h. Basketball court with benches
  - i. Details of amenities to be provided
  - j. Doggies stations
  - k. Bicycle racks at the playground areas

**Todd Janko of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128** appeared on behalf of the applicant stating he concurred with Staff recommendation.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION**

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

**19. SPR-21-05 (20376) METL-SPAN TENANT IMPROVEMENT. AN APPLICATION SUBMITTED BY METL-SPAN, ON BEHALF OF OPERATING ENGINEERS PENSION TRUST FUND, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE REQUIRED PARKING LOT LANDSCAPING TO BE INSTALLED IN THE EXISTING 15-FOOT LANDSCAPE BUFFER. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND ENGINEERS WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-01-511-002.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending denial of SPR-21-05. If the Commission determines approval is warranted, Staff recommends 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 Industrial Development Design Standards, except parking lot landscaping shall not be required within the newly proposed parking areas for Building 'L', as shown on the approved site plan.
3. That the proposed eight (8) foot high screen wall shall be a concrete tilt-up wall designed to match the building.
4. As landscaping is currently proposed within the Traffic Sight/Visibility Restriction Zone, a Traffic Sight/Visibility study must be submitted to Transportation Services, attention Clete Kus.
5. Landscaping shall be in compliance with the *City of North Las Vegas Municipal Code 17.24.100.D.6, Traffic Sight Visibility*, which states: "Landscaping shall be maintained so that it will not interfere with traffic sight distance, street signs or traffic signs/lights."

**George Rogers Artchitect, 4625 S. Polaris #216, Las Vegas, NV 89103** appeared on behalf of the applicant stating the Commission approved a similar request on another site with this applicant in the old Best Warehouse north of Craig Road. They were using part of the parking lot for outside storage and complying with all requirements, the screening and the landscaping. They were unable to complete their negotiation with the landlord there and were successful in obtaining the current site as their plant facility. Metl Span manufactures insulated metal panels to be used as exteriors of buildings and is also used in commercial refrigerators and freezers. Since the company produces 40 foot long pieces of pre-manufactured metal building components, so the loading area would not work. Metl span used a process that puts the product out through one of the existing loading dock

doors and that was why the area would be a better outside storage area. The outside storage area would be an approved use if the screen wall was up and the parking were moved. The only issue was how to get the parking and landscape in. In the lease, they are required to leave the building in the original condition when the lease has expired. He stated there was an existing fence that would hide the parking. He stated Staff did not know the developer was required to put the parking back, so there would be no demolition of the existing landscape islands, the existing irrigation, so upon leaving the landscape could be put back to the original condition.

Commissioner Dean Leavitt asked Mr. Rogers if, when the materials were made, it was an assembly line process. Mr. Rogers responded it was. He stated one of Staff's conditions was to add concrete walls, if it was approved. To match the existing building and tilt-up walls that exist, the company would like to use their own product as a fence to show off their product.

Chairman Aston asked if the condition on the screen wall could be reworded. Marc Jordan, Planning Manager responded Staff would not recommend changing the condition as they were concerned this was the Golden Triangle Industrial Park and much of the development occurring in that area was very nice and he was concerned most of the walls seen around the storage areas, had always been more of the concrete tilt-up design that matched the buildings and that was the purpose for the wording of the condition. He stated he was not sure of the location of the material being referred to by Mr. Rogers was approved.

Commissioner Leavitt asked Mr. Rogers if the use of the material was approved at Best Buy. Mr. Rogers responded that was correct, on Donovan Way.

Mr. Rogers stated he could offer a compromise that would satisfy Staff and the Commission. It was possible that only the wall with the frame fence at the street would match the tilt-up and the side and rear fences adjacent to other commercial development for the Union Pacific Railroad right-of-way be another fence material.

Commissioner Dilip Trivedi asked the applicant the length of the lease and if the tenant was required to put up an escrow to leave the property in the original condition. Mr. Rogers responded it was his understanding it was a 10 year lease and he was not aware if there was a deposit. Commissioner Trivedi asked what guarantee there would be that the property would be left in its original condition. Mr. Rogers stated he would agree to that being a condition of approval.

ACTION: DENIED

MOTION: Commissioner Leavitt

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

Vice-Chairman Jo Cato stated she would support the motion but would like Condition No. 3 left as is with the addition of the following at the end of the condition: "as approved by Planning," due to the fact the Commission was unable to recall what material was approved and when. Mr. Jordan stated the material Mr. Rogers was referring to was off of Donovan Way and was not within the Golden Triangle Industrial Park but was east of the Golden Triangle in the Best Warehousing, a facility built several years ago. Vice-Chairman Cato stated she would leave Condition No. 3 as originally written.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Vice-Chairman Cato

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

- 20. FDP-06-05 (20284) VENTANA @ SIERRA MONTANA PHS 2. AN APPLICATION SUBMITTED BY BEAZER HOMES, ON BEHALF OF HEARTHSTONE MULTI-ASSET ENTITY B, LP, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 27 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF ANN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-401-007.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of FDP-06-05 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 comply with all conditions of approval of ZN-123-04 and T-1161.

**Chris Arambula of L.R. Nelson Consulting, 6765 W. Russell Road, Las Vegas, NV 89118** appeared on behalf of the applicant stating he concurred with Staff recommendation.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION**

**MOTION: Commissioner Leavitt**

**SECOND: Vice-Chairman Cato**

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

**NAYS: None**

**ABSTAIN: None**

21. **T-991 (20287) VENTANA @ SIERRA MONTANA PHS 1. AN APPLICATION SUBMITTED BY BEAZER HOMES, ON BEHALF OF HEARTHSTONE MULTI-ASSET ENTITY B, LP, PROPERTY OWNER, REQUESTING AN EXTENSION OF TIME ON AN APPROVED TENTATIVE MAP IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 55 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE WEST SIDE OF COMMERCE STREET APPROXIMATELY 300 FEET NORTH OF ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-27-401-007.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of T-991 subject to the following condition:

1. That all previously approved conditions for T-991 shall apply.

**Chris Arambula of L.R. Nelson Consulting, 6765 W. Russell Road, Las Vegas, NV 89118** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

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

NAYS: None

ABSTAIN: None

- 22. SPR-14-04 (20342) G & M DEVELOPMENT. AN APPLICATION SUBMITTED BY TIM C. AYALA, ON BEHALF OF G & M DEVELOPMENT, PROPERTY OWNER, FOR AN EXTENSION OF TIME ON AN APPROVED SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW TWO WAIVERS TO THE COMMERCIAL DEVELOPMENT STANDARDS AND THE DESIGN GUIDELINES' LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CARROLL STREET AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-410-045, 139-14-812-164 AND 139-14-812-165.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of SPR-14-04 subject to the following conditions:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That all conditions of UN-51-02 be satisfied prior to the issuance of any construction permits.
3. That, if VN-08-04 is approved, this development shall comply with all applicable conditions thereof.
4. Applicant to demonstrate how they intend to resolve the issue of a building encroaching into the public right-of-way.
5. 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*.
6. The property owner is required to grant a roadway easement for commercial driveway(s) prior to civil improvement plan approval.
7. Accurately depict the property lines; the sidewalk and property line are several feet apart along Las Vegas Boulevard North. Landscaping requirements must be met within private lands.
8. A copy of the Nevada Department of Transportation encroachment permit for landscaping in the right-of-way along Las Vegas Boulevard North must be provided.
9. Dedication of the following right-of-way is required:
  - a. 15' radius at Carroll Street and Carey Avenue

10. A vacation is required for the unimproved portion of Carroll Street and plans are required to be labeled with area to be vacated.
11. The property owner is required to sign a restrictive covenant for utilities prior to civil improvement plan approval.
12. Any proposed driveway access to Carroll Street shall conform with Clark County Area Uniform Standard Drawing numbers 222A and 225. The actual driveway location is subject to review and approval of the City Traffic Engineer.
13. Provide document information on the plans for the Nevada Power Company easement and show the pole locations.
14. That the southernmost existing building be modified to be in compliance with a minimum 10-foot (10.00') setback from the Carey Avenue right-of-way prior to submittal of the civil improvement plans.
15. Along the North Las Vegas Boulevard frontage of the property and the first 240 feet from Las Vegas Boulevard along Carey Avenue, the installation of Phoenix *Dactylifera* (Date Palms) or Phoenix *Canariensis* (Canary Island Date Palms) with a minimum height of 10 - 12 brown-trunk-feet. The Palm trees shall be spaced a maximum of every 30 foot on center along the site.
16. That, if VN-08-04 is approved, a more dense (more closely spaced and/or more mature) landscaping treatment along the Las Vegas Boulevard, Carroll Street and Carey Avenue perimeters of the property be installed, subject to review and approval by Redevelopment staff.
17. That detailed site and floor plans be provided that clearly indicate lot lines and dimensions, parking stall dimensions and number thereof, building setbacks, building square footages, signage, drive aisle dimensions and landscape areas.
18. That the development of this site shall not warrant a reduction in the minimum number of required parking stalls. If necessary, the proposed new buildings shall be reduced in size to accommodate the minimum number of parking stalls for the site.
19. That a minimum fifteen feet (15.00') of landscaping be provided along the Las Vegas Boulevard right-of-way and that a minimum ten feet (10.00') of landscaping be provided along the Carey Avenue and Carroll Street rights-of-way.

20. That, in-lieu of a three-foot landscape berm, a three-foot-tall decorative block wall shall be provided at the rear of the perimeter landscape areas where required.
21. That parking lot and foundation landscaping be provided for all interior portions of the proposed new development, as indicated on the revised site plan. All other required parking lot and foundation landscaping shall be considered waived.
22. That, unless specified herein, all landscaping and signage be brought into compliance with current ordinance requirements.
23. The expiration date of the site plan review shall be May 25, 2006.

**Tim Ayala, 4600 Sunset Road, Henderson, NV 89014** appeared on behalf of the applicant asking to change the landscape from the previously approved palm trees to match the landscaping at the new Justice Facility. Chairman Aston asked Mr. Ayala which condition he was referring to. Mr. Ayala responded he was referring to Condition No. 15. Instead of the Phoenix palm trees, he would like to plant Mesquite and Palo Verde Trees. He also asked that the landscape easement be reduced from 15 feet to 10 feet on Las Vegas Boulevard and that Condition No. 14 be amended to allow demolition at the time of development.

Chairman Jay Aston clarified with Mr. Ayala that he was in agreement with all other conditions except Condition No. 14 he would like amended to allow demotion at the time of development, Condition No. 15 to change the palm trees on Las Vegas Boulevard to Mesquite and Palo Verde trees and Condition No. 19 the landscaping not to be provided within 50' of the corner. Mr. Ayala responded that was correct.

Vice-Chairman Jo Cato stated she remembered when the application originally came before the Commission and the palm trees were approved. She stated she would support the amendments of Condition No. 14 and Condition No. 19, but would not support amending Condition No. 15.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDATION WITH CONDITION NOS. 14 AND 19 AMENDED TO READ AS FOLLOWS:

14. THAT THE SOUTHERNMOST EXISTING BUILDING BE MODIFIED TO BE IN COMPLIANCE WITH A MINIMUM 10-FOOT (10.00') SETBACK FROM THE CAREY AVENUE RIGHT-OF-WAY AT TIME OF DEVELOPMENT.

19. THAT A MINIMUM FIFTEEN FEET (15.00') OF LANDSCAPING BE PROVIDED ALONG THE LAS VEGAS BOULEVARD RIGHT-OF-WAY AND THAT A MINIMUM TEN FEET (10.00') OF LANDSCAPING BE PROVIDED ALONG THE CAREY AVENUE AND CARROLL STREET RIGHTS-OF-WAY AS PER STAFF'S RECOMMENDATION FOR THE AREA THAT IS 3.5 FEET IN WIDTH ALONG LAS VEGAS BOULEVARD.

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

23. **WAV-02-05 (20266) NORTH MEADOWS WEST. AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CELEBRATE HOMES XVI, LLC, PROPERTY OWNER, FOR APPROVAL OF A WAIVER FROM TITLE 16 IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A ZERO (0) FOOT SEPARATION BETWEEN THE DRIVEWAY AND THE SIDE PROPERTY LINE, WHERE SEVEN (7) FEET IS REQUIRED. THE PROPERTY IS LOCATED AT 2115 MEADOW GREEN AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-05-515-048.**

It was requested by the applicant to continue WAV-02-05 to June 8, 2005.

ACTION: CONTINUED TO JUNE 8, 2005

MOTION: Commissioner Levitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**OLD BUSINESS**

24. **UN-30-05 (19520) OUR LADY OF GUADALUPE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIM C. AYALA ON BEHALF OF MARCO SANDOVAL, PROPERTY OWNER, FOR A USE PERMIT IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS GENERALLY LOCATED NORTH OF CAREY AVENUE AND APPROXIMATELY 94 FEET EAST OF NORTH STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-16-802-003. (CONTINUED APRIL 13, 2005)**

The application was presented by Bethany Wagner, Planner on behalf of Staff who indicated Staff was recommending UN-30-05 be continued indefinitely as a 20 foot landscape buffer was required for commercial sites located adjacent to residential properties and the applicant had not requested a waiver and bringing the site into compliance will drastically reduce the lot's buildable area and will affect the number of parking facilities. In addition the Fire Department indicated the turning radii did not meet the requirements of the Fire Code.

**Tim Ayala, 4600 Sunset Road, Henderson, NV 89014** appeared on behalf of the applicant stating the building was moved from the east to the middle of the property to allow a larger buffer from the residential area, there was one access in the front on Carey Avenue and the applicant was providing 20 feet of landscaping in the front and stated he concurred with Staff recommendation.

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

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked Mr. Ayala if he realized that by agreeing with Staff recommendation, that he was agreeing to an indefinite continuance and that Public Works and the Fire Department had serious concerns as fire equipment could not get to the rear of the property and be able to negotiate a turn. Mr. Ayala responded he would change the radius and the access to the property. Commissioner Leavitt stated that was the reason Staff was recommending continuance. Mr. Ayala stated he understood.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

25. **SPR-18-05 (19952) 5TH & GILMORE BUSINESS PARK. AN APPLICATION SUBMITTED BY MARTIN HARRIS CONSTRUCTION, ON BEHALF OF THE MELDRUM FAMILY TRUST, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT CONSISTING OF A TOTAL OF 232,801 SQUARE FEET IN 10 BUILDINGS TO COMPRISE A LIGHT INDUSTRIAL BUSINESS PARK. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF GOWAN ROAD AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-11-201-001 AND 139-11-201-003. (CONTINUED APRIL 27, 2005)**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending continuance of SPR-18-05 to allow the applicant to submit a traffic study and to submit a site plan that would show how the slopes on the site would be dealt with.

**Chris McCullough, 601 South Ranch Drive, Las Vegas, NV 89106** appeared on behalf of the applicant stating the Planning Comments were incorrect as they had submitted a traffic study and received a response from Public Works dated May 5, 2005 which indicated ten conditions relating to the traffic study, which they agree with. Condition Nos. 9 and 10 identify the requirement to dedicate a right-of-way for and construct a bus turnout lane on North 5<sup>th</sup> Street, north of Gowan Road, Condition No. 10 was also to dedicate an additional right-of-way specifically for a flared intersection on North 5<sup>th</sup> Street and Gowan Road. He stated they also concurred with Planning Staff's four recommended conditions listed in the Staff Report dated April 27, 2005.

**Gary Congdon, Lee & Sakahara Architects, 6280 South Valley View Boulevard, Las Vegas, NV 89118** stated a design would be submitted which complied with the design guidelines, allowing terracing along the slope on the site.

Chairman Jay Aston asked Clete Kus of Public Works if he had any concerns. Mr. Kus responded he did not. The approval letter looked legitimate and unfortunately there was a lack of communication.

Robert Eastman, Principal Planner stated if Public Works was in agreement with the Traffic Study, Staff recommended approval subject to the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development must comply with the Industrial Design Guidelines.

3. The slope at the rear and sides of the property line must not exceed three to one (3:1) and must be terraced using two or more retaining walls, that shall not exceed six feet in height, for a maximum overall height of twelve feet.
4. A master sign plan shall be submitted and approved for the entire development prior to the issuance of a building permit for a sign.

Chairman Aston stated whoever made the motion should include the four conditions and also the conditions listed in the approval letter from Public Works.

Commissioner Dean Leavitt stated if there was a copy of the Traffic Study, that condition could be deleted. Mr. McCullough responded a condition could be added to comply with the ten conditions identified in the May 5, 2005 letter from the Department of Public Works relating to the Traffic Study.

James Lewis, Sr. Deputy City Attorney stated a condition of dedication was a requirement with the North Las Vegas Master Plan of Streets and Highways and asked the condition be added as Condition No. 5. Chairman Aston asked if the Traffic Study should be addressed. Sr. Deputy City Attorney Lewis responded it was not necessary. Chairman Aston asked how Condition No. 5 should be stated. Sr. Deputy City Attorney Lewis responded the condition should read, "Dedication of right-of-way pursuant to the Master Plan of Streets and Highways."

Mr. McCullough stated if the Department of Public Works had not requested the condition, it should not be required of the applicant.

Jory Stewart, Planning & Development Director stated the item could be continued for two weeks or Condition No. 5 be added.

Sr. Deputy City Attorney Lewis stated two weeks ago, the business attorney and the architect for the applicant discussed with the City some possibilities with regard to landscaping and other things that may possibly be considered by the Planning Department and the City. If the item were continued, they could come in and talk to Staff about some of the landscaping issue they have. He also stated, on behalf of the Planning Department and Public Works Department, Condition No. 5 should be added or the item continued; otherwise, they cannot be asked for the dedication in the future, which is required by the Master Plan of Streets and Highways.

Mr. McCullough pointed out the applicant had delayed the process for many months attempting to accommodate Planning and Public Works. They received a phone call, from Public Works suggesting an adequate remedy would be to create 25 feet of landscaping

across the North 5<sup>th</sup> Street border, which, if in the future, the roadway was to be expanded, it would be taken at that time, but were unable to address that with Public Works. He stated they would accept the 25 foot landscape buffer across the front of the site with the understanding that, if in the future the roadway was to be expanded, the property would be taken in accordance with the normal eminent domain process. He did not want the item continued as the applicant would like to move forward with the development.

Lenny Badger of the Public Works Department stated he was under the assumption, that it would be relatively easy to show that the right-of-way dedications were necessary. It appears, a Staff member, in error, approved the Traffic Study without the appropriate right-of-way dedication requirements. He stated the Study would need to be re-reviewed.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE ADDITION OF CONDITION NO. 5 TO READ AS FOLLOWS:

5. DEDICATION OF RIGHT-OF-WAY PURSUANT TO THE MASTER PLAN OF STREETS AND HIGHWAYS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

26. **AMP-07-05 (19167) THE GATEWAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PJ & CB, LLC, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS, TO DELETE LAWRENCE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE; TO DELETE COLLETTE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE; TO DELETE DORRELL LANE BETWEEN LAWRENCE STREET AND LOSEE ROAD; TO DELETE AN UNNAMED STREET BETWEEN LAWRENCE STREET AND LOSEE ROAD; TO DELETE DEER SPRINGS WAY BETWEEN LAWRENCE STREET AND LOSEE ROAD AND TO DELETE ROME BOULEVARD BETWEEN LAWRENCE STREET AND LOSEE ROAD. (CONTINUED MARCH 9, APRIL 13 AND 27, 2005)**

The application was presented by Robert Eastman, Principal Planner, on behalf of Staff who indicated Staff was recommending approval of AMP-07-05.

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she 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 Carvalho

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

NAYS: None

ABSTAIN: None

27. **VAC-05-05 (19156) THE GATEWAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PJ & CB, LLC, TO VACATE LAWRENCE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE; TO VACATE COLLETTE STREET BETWEEN DEER SPRINGS WAY AND DORRELL LANE; TO VACATE DORRELL LANE BETWEEN LAWRENCE STREET AND LOSEE ROAD; TO VACATE AN UNNAMED STREET BETWEEN LAWRENCE STREET AND LOSEE ROAD; TO VACATE DEER SPRINGS WAY BETWEEN LAWRENCE STREET AND LOSEE ROAD AND TO VACATE ROME BOULEVARD BETWEEN LAWRENCE STREET AND LOSEE ROAD. (CONTINUED MARCH 9, APRIL 13 AND 27, 2005)**

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

**Tabatha Keetch of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she 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 Carvalho

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

NAYS: None

ABSTAIN: None

- 28. VN-08-04 (20172) STRIP MALL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIM C. AYALA ON BEHALF OF G & M DEVELOPMENT, PROPERTY OWNER, FOR AN EXTENSION OF TIME AND TO AMEND CONDITIONS OF A PREVIOUSLY APPROVED VARIANCE TO ALLOW A 3.5 FOOT LANDSCAPE AREA WHERE 15 FEET WAS APPROVED IN A C-2 GENERAL COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LAS VEGAS BOULEVARD AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-410-043, 139-13-410-044, 139-13-410-045 AND 139-13-812-164. (CONTINUED MAY 11, 2005)**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of VN-08-04 subject to the following recommended conditions:

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 all conditions of UN-51-02 be satisfied prior to the issuance of any construction permits; and
3. That, if SPR-14-04 is approved, this development shall comply with all applicable conditions thereof; and
4. The applicant shall complete the demolition of Building "A", as depicted on the site plan dated May 11, 2005, prior to the issuance of a certificate of occupancy for either Building "B" or Building "C", whichever is first. The applicant may continue the use of Building "A", provided said use is lawful and in compliance with all applicable codes and ordinances, until such time that a demolition permit is issued for the structure.
5. 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*.
6. The property owner is required to grant a roadway easement for commercial driveway(s) prior to civil improvement plan approval.
7. Accurately depict the property lines; the sidewalk and property line are several feet apart along Las Vegas Boulevard North. Landscaping requirements must be met within private lands.
8. A copy of the Nevada Department of Transportation encroachment permit for landscaping in the right-of-way along Las Vegas Boulevard North must be provided.

9. Dedication of the following right-of-way is required:
  - a. 15' radius at Carroll Street and Carey Avenue
10. A vacation is required for the unimproved portion of Carroll Street and plans are required to be labeled with area to be vacated.
11. The property owner is required to sign a restrictive covenant for utilities prior to civil improvement plan approval.
12. Any proposed driveway access to Carroll Street shall conform with Clark County Area Uniform Standard Drawing numbers 222A and 225. The actual driveway location is subject to review and approval of the City Traffic Engineer.
13. Provide document information on the plans for the Nevada Power Company easement and show the pole locations.
14. That the southernmost existing building be modified to be in compliance with a minimum 10-foot (10.00') setback from the Carey Avenue right-of-way prior to submittal of the civil improvement plans; and
15. Along the North Las Vegas Boulevard frontage of the property and the first 240 feet from Las Vegas Boulevard along Carey Avenue, the installation of Phoenix Dactylifera (Date Palms) or Phoenix Canariensis (Canary Island Date Palms) with a minimum height of 10 - 12 brown-trunk-feet. The Palm trees shall be spaced a maximum of every 30 foot on center along the site; and
16. That a more dense (more closely spaced and/or more mature) landscaping treatment along the Las Vegas Boulevard, Carroll Street and Carey Avenue perimeters of the property be installed, subject to review and approval by Redevelopment staff; and
17. That detailed site and floor plans be provided that clearly indicate lot lines and dimensions, parking stall dimensions and number thereof, building setbacks, building square footages, signage, drive aisle dimensions and landscape areas; and
18. That the development of this site shall not warrant a reduction in the minimum number of required parking stalls. If necessary, the proposed new buildings shall be reduced in size to accommodate the minimum number of parking stalls for the site; and

19. That all new construction recognize a minimum setback of ten feet (10.00') from the Carroll Street and Carey Avenue rights-of-way; and
20. That, unless specified herein, all landscaping and signage be brought into compliance with current ordinance requirements.

**Tim Ayala, 4600 Sunset Road, Henderson, NV 89014** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

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

NAYS: None

ABSTAIN: None

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

Planning and Development Director Jory Stewart asked the Commission if June 13, 2005 would be a good date for the meeting with Clarion and Associates to present an update on the Master Plan. The Commission approved the meeting for June 13, 2005 at 6:00 p.m. in the City Manager's Conference Room.

**CHAIRMAN'S BUSINESS**

There was no business to discuss.

**ADJOURNMENT**

The meeting adjourned at 8:29 P.M.

APPROVED: June 22, 2005

/s/ Jay Aston  
Jay Aston, Chairman

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