

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

December 14, 2005

***All Staff Reports and attachments are available on the City's  
Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)***

**BRIEFING:** 5:30 pm., Conference Room, North Las Vegas City Hall,  
2200 Civic Center Drive

**CALL TO ORDER:** 6:03 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 - Present

**STAFF PRESENT:** Jory Stewart, Planning & Development Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Vicki Adams, Planner  
Nick Vaskov, Deputy City Attorney II  
Jennifer Doody, Development & Flood Control  
Madeleine Jabbour, PW, Transportation  
Janice Carr, Fire Department  
Jo Ann Lawrence, Recording Secretary

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

**PLEDGE OF ALLEGIANCE:** Commissioner Harry Shull

**WELCOME:** Chairman Jay Aston

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 9, 2005.**

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: Commissioner Leavitt

**CONSENT AGENDA**

**A. PW-189-05 (23801) ALEXANDER II: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY WILLIAM LYON HOMES, INC. AND ACCEPT THE SUBDIVISION BOND IN THE AMOUNT OF \$974,962.91.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**B. PW-190-05 (23802) ANN LOSEE VILLAGE 4: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$1,052,220.99.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**C. PW-191-05 (23803) ANN LOSEE VILLAGE 5: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$400,705.48.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**D. PW-192-05 (23804) ANN LOSEE VILLAGE 6: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$1,363,909.77.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**E. PW-193-05 (23806) CORONADO CENTENNIAL COMMERCE CENTER: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY CENTENNIAL DEVELOPMENT, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,510,118.14.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- F. PW-194-05 (23807) LAS VEGAS LDS WELFARE COMPLEX: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, SOLE AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$265,280.71.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- G. PW-195-05 (23808) PORTICO EAST AND WEST OFF-SITE SANITARY SEWER: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY FIDELITY AND DEPOSIT COMPANY OF MARYLAND TO RELEASE THE SUBDIVISION BOND IN THE AMOUNT OF \$39,336.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- H. **PW-196-05 (23809) NORTH MEADOWS WEST, UNIT 1: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY AMERICAN CASUALTY COMPANY OF READING PENNSYLVANIA TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$622,496.92.**

Commissioner Harry Shull stated he would be abstaining as his company was involved with the project.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: Commissioner Shull

- I. **PW-197-05 (23810) SHADOW SPRINGS, PHASE 1, UNIT 3: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY LUMBERMENS MUTUAL CASUALTY COMPANY TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$529,625.31.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- J. PW-198-05 (23811) NVE PARCEL 26, PHASE I: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY INSURANCE COMPANY OF THE WEST TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$591,350.98.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 10 was heard next.**

**NEW BUSINESS**

1. **UN-128-05 (23332) PRESMYK GARAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BRIAN PRESMYK, PROPERTY OWNER, FOR A USE PERMIT IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW AN 1800 SQUARE-FOOT DETACHED STORAGE BUILDING, WHERE 1200 SQUARE- FEET IS ALLOWED. THE PROPERTY IS LOCATED AT 3725 ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 139-07-610-030.**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending approval of UN-128-05 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 UN-128-05 is site-specific and non-transferable.
3. That the accessory structure will match the principal building in material and design.
4. The applicant shall connect the proposed driveway to the existing driveway.
5. Fire access lanes shall be designed in accordance with Fire Code requirements.

**Brian Presmyk, 3725 Allen Lane, North Las Vegas, NV 89032** stated he lived on an 80 foot street and he had to have a drive-thru, which was already in place. The streets are not yet improved, so with the cut-out he was using the same driveway going to the garage in the back. Mr. Presmyk asked what the fire access lanes were. Ms. Adams responded on the submitted site plan, the applicant showed a 20 foot wide driveway and the Fire Department was requiring a 24 foot wide drive isle. Mr. Presmyk stated he only had 20 feet from the property line to the house and asked why, if the garage was 1200 square foot, he wouldn't need a special use permit because he thought he needed the special use permit due to the garage being over 1200 feet.

Chairman Jay Aston explained the dimension on the plan, between the property line and the house showed 20 feet and was reduced due to the hangover from the eave of the house and asked the Fire Department how many feet they needed for access. Janice Carr of the Fire Department responded the Fire Code required access within 150 feet, so if they could come down half way within 150 feet to get to the building, the width could be 20 feet and she was agreeable to that. Mr. Presmyk stated the width would be 19 feet. Ms. Carr stated she was agreeable to a width of 19 feet.

Chairman Aston asked if additional wording needed to be added to Condition No. 5. Marc Jordan, Planning Manager suggested amending Condition No. 5 to read: "A minimum 19' wide fire access lane shall be designed in accordance with Fire Code Requirements. Ms. Carr agreed with Mr. Jordan.

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

Chairman Aston closed the Public Hearing.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 5 AMENDED TO READ:

5. A MINIMUM 19' WIDE FIRE ACCESS LANE SHALL BE DESIGNED  
IN ACCORDANCE WITH FIRE CODE REQUIREMENTS.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Carvalho

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

**NAYS:** None

**ABSTAIN:** None

2. **UN-129-05 (23396) DONNA MIA RESTAURANT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREGORY M. LAVDANSKI ON BEHALF OF CRAIG RETAIL PARTNERS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF REVERE STREET AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-302-001.**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending denial of UN-129-05 as the proposed use was within 400 feet of a park, which was not allowed.

**Gregg Lavdanski, 4609 Crimson Leaf Drive, Las Vegas, NV 89130** asked what public park was being referred to. Ms. Adams responded the park was just to the south of the channel that runs to the south of the site. Mr. Lavdanski stated they were adjacent to the Big Lots Department Store. Ms. Adams stated there was a park just to the south. Mr. Lavdanski asked how many feet away the park was. Ms. Adams stated they could not tell, as a scaled drawing was not received. Mr. Lavdanski stated the proposed business was an Italian restaurant and asked for consideration as the liquor was on-sale and denial would hurt his endeavor. Mr. Lavdanski asked exactly what the distance was from the business to the park. Ms. Adams stated there were other suites within the development that would be more than 400 feet from the park. Mr. Lavdanski stated he had already started development on the restaurant, and was currently doing tenant improvements.

Jory Stewart, Planning & Development Director stated the argument was not a land use consideration but was a Title 5 requirement, a business licensing regulation; so, this Board was not empowered to waive or grant any variance to the separation requirement. The only recourse for the applicant had, was to find a suite that was more than 400 feet from the park.

Marc Jordan, Planning Manager added, by using the County's web-site, the proposed site was approximately 260 feet from the park.

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

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt stated he was reluctant to deny the item and recommended it be continued to give the applicant time to pursue some alternative measures within the shopping center and as far as the distance was concerned, the Commission could not waive that requirement and it was not the Board's responsibility to advise him, but he should have had good planning in the process of deciding where he would put his establishment and be made aware of the Code requirements. Mr. Lavdanski stated the

plans went through Planning and Development, and was told there was no problem with him being within 400 feet of a school or park. He would not have gone forward with the project if he had been given the correct advice. Mr. Leavitt tried to explain, the Commission was restrained by law and there was nothing they could do to help him and stated he could pursue the application by looking for another site within the shopping center or talk to the leasing agent to try to get some consideration.

Mr. Lavdanski stated the proposed business would be good for the community but it had become very difficult to do anything within the City and did not understand why he was not told two months ago that he could not have beer and wine.

Chairman Aston stated he understood the applicant's frustration and asked the City Attorney if the decision were appealed, if the City Council had the authority to overturn the Commission's decision. Nick Vaskov, Deputy City Attorney responded they did not.

Commissioner Steve Brown asked if Title 5 was within the City Code. Ms. Stewart stated it was a City Code. Commissioner Brown asked if Title 5 could be waived by those who wrote it. Ms. Stewart responded Title 5 would need to be changed and that was currently being discussed with the City Attorney's office, to remedy the situations where an applicant comes in for a tenant improvement on a space. If they have not been correctly advised by their leasing agent, then the next time they hear about any issue with Title 5 licensing requirements, is when they come in to get their use permit, if it involves liquor, or they apply for their business license when an initial investment had already been made on the property.

Commissioner Brown asked if there was a part of the Code that said there could be a division that would break up the distance requirement or changed it. Ms. Stewart responded that was not in Title 5. Marc Jordan, Planning Manager stated Commissioner Brown was referring to a provision that allowed the separation requirement of 1500 foot to be waived if there was an adequate barrier; however, Title 17 also states you cannot go below the minimum, 400 foot separation; likewise, there was no adequate barrier for the park as the wall does not constitute as an adequate barrier.

Commissioner Harry Shull stated there was a wall and there was no public access and it depended on where it was measured from; if it was measured from the public access, it was well over 400 feet and asked if it had to be measured from the shortest distance. Mr. Jordan responded that was correct, it was measured from the shortest distance to the property line. The applicant had the option of hiring a surveyor.

Mr. Lavdanski stated there was a gas station on the corner with alcohol sales. Mr. Shull explained they were more than 400 feet away. Mr. Lavdanski asked if the measurement

was from the edge of the property. Mr. Shull stated the measurement was from the business to the park, his business was estimated to be 260 feet and the gas station was another 400 feet away.

ACTION: DENIED

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: Commissioners Leavitt and Brown

ABSTAIN: None

3. **UN-130-05 (23449) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF SIMMONS 15, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-29-513-002.**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending denial of UN-130-05 as there was a proposed day care facility proposed to the south of the site and it appeared the day care facility would be within 400 feet of the proposed restaurant; therefore, Staff was recommending denial of the application. Should the Commission approve UN-130-05, the following conditions are recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. The use permit is site specific and non-transferrable.

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the property owner, stating the use was for a sushi bar, which was known as Sushi-mon, one currently existed on Maryland Parkway in Las Vegas. There was a unique situation with this property, as it was one of the first projects that was proposed for a mixed use development but was one of the first projects under construction. It was located just outside of Aliante. They have run into the problem of, when dealing with mixed developments, there are going to be a variety of uses, such as day care facilities, restaurants, dry cleaners and many other types of commercial uses, along with residential uses within these types of developments. You will run into some potential issues such as what had been pointed out by Staff; that there was a day care provider who would like to come onto the property because of the mixed use of what was being proposed and the types of uses on the property. The way they could get around it was by coming in with the use permits for the supper clubs first. One of the biggest complaints, as a resident of North Las Vegas, was there were not enough restaurants. It would be a shame, that a day care facility would stop restaurants from coming to the proposed development. The day care facility operator was in support of restaurants and different commercial on the site because that would help them in the long run.

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

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato asked Staff if future applications could be taken into consideration. Marc Jordan, Planning Manager responded they could, they should keep in mind that with the PUD Mr. Gronauer was talking about to the south of this location, as indicated before, when they come in with a PUD, they present a preliminary development plan which gives an idea of what was being proposed. Since the submittal of that preliminary development plan, Staff and the Commission have known there was a day care center proposed for the area. The use permit has been submitted and continued. Taking that into account, in relationship to other applications filed, Staff feels you could take those into account because of Title 5 requirements for that 400 foot separation. Vice-Chairman Cato stated this was the third application that had appeared before the Commission for on-sale of alcohol in association with a restaurant and she felt bad she was not able to vote in support of the applications. She knew there was no way to waive Title 5 requirements because that was the City's rules and was glad that was being looked into. Mr. Gronauer wanted it to be clear the applicant was not in violation of Title 5 if the application was approved.

Nick Vaskov, Deputy City Attorney stated the Code has been interpreted that the day care facility could go to the on-sale, but not the other way around. He felt this was unique in that this was a situation where the applicant was showing both; at least in some manner. The Commission knows the day care facility was proposed, so that could be taken into consideration and take judicial notice of the fact that there is a proposed day care facility.

Chairman Aston stated they came to the decision whether they have restaurants, day care facilities, or both. The application was for a restaurant that served alcoholic beverages and there was no application before the Commission at this time for a day care facility, but it may be forthcoming and at that time the Commission would make a decision on the day care facility.

Commissioner Dean Leavitt stated this was one of the first mixed use developments in North Las Vegas and the City was in the process of developing a mixed use ordinance and encouraged Staff to include this scenario in the process of developing that ordinance because this situation will come up again in the future.

Commissioner Angelo Carvalho asked Staff if there was a proposed day care facility that would be within the 400 feet and the Commission decided to bring in the restaurant and then when the day care facility came up and was denied, what kind of recourse would the applicant have. Mr. Jordan responded there was a similar situation where the applicant had a PUD that was approved a few years ago, that showed as part of the PUD, a convenience store with gas pumps. When the time came for the final development plan to come before the Commission, in the Staff Report, Staff indicated that a special use permit was required. The applicant indicated since they had shown the convenience store with gas pumps as part of the preliminary development plan, they should not need to apply for a special use permit as it was considered when the PUD was approved and it was called out in the Public Hearing Notice. As a result of that argument, Staff did not require a special use for that convenience store with gas pumps; yet, you have the very

circumstance in front of you. You have a preliminary development plan that clearly shows a day care as part of the plan. If the Commission were to approve the on-sale tonight and then at the next meeting decided they did not want to approve the day care, there could be the argument that the day care facility was always shown as part of the preliminary development plan and; therefore, they want it considered. In this case, the on-sale was not in the PUD but was to the north of the PUD. The PUD was for a mixed use development but the on-sale establishment was not located within the mixed use development, so the applicant was asking for something to be considered as part of the mixed use but was actually in an area that was zoned commercial.

Chairman Aston asked Mr. Gronauer to provide the actual distance from the proposed day care facility to the proposed application. Mr. Gronauer stated the distance was approximately 250 feet.

Commissioner Dilip Trivedi stated they were considering the on-sale application and it could be approved and when the day care center came before the Commission, it could be denied.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Brown

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

**NAYS:** None

**ABSTAIN:** None

4. **VAC-35-05 (23441) GOLDFIELD II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF GOLDFIELD 20, LLC, PROPERTY OWNER, TO VACATE A 30-FOOT-WIDE PORTION OF EAGLE WAY COMMENCING AT VERDE WAY AND PROCEEDING SOUTH APPROXIMATELY 300 LINEAL FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-804-002.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of VAC-35-05 subject to the following conditions:

1. The applicant shall dedicate twenty-five (25) feet for North 5<sup>th</sup> Street.
2. 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.

**Robert Cunningham, 4445 South Jones Boulevard, Las Vegas, NV 89103** 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 RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

5. **VAC-36-05 (23442) GOLDFIELD II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF WILLIAM LYON HOMES, INC., PROPERTY OWNER, TO VACATE A 10-FOOT-WIDE PORTION OF THE NORTHERLY SIDE OF LONE MOUNTAIN ROAD COMMENCING APPROXIMATELY 125 FEET EAST OF THE INTERSECTION OF DEEM DRIVE AND LONE MOUNTAIN ROAD AND PROCEEDING EAST APPROXIMATELY 150 LINEAL FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-804-005.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending denial of VAC-36-05 as the right-of-way in this vicinity must be retained as the preliminary engineering for North 5<sup>th</sup> Street and its intersection streets had not been completed.

**Robert Cunningham, 4445 South Jones Boulevard, Las Vegas, NV 89103** appeared on behalf of the applicant stating he was expecting an approval of the application as the tentative map conditions required them to file for the vacation. He stated if the 10 feet was not vacated, there would be a landscape strip adjacent to Lone Mountain Road that would be located entirely within the right-of-way and wanted to be sure Staff was not going to ask for an additional area for the landscaping or anything else along Lone Mountain.

Mr. Jordan stated when it came to landscaping, unfortunately, if the landscaping was on their property, Staff would have to ask them to redesign the tentative map to provide the additional landscaping.

Chairman Jay Aston asked the applicant if he would prefer a continuance to allow him to work with Staff. Mr. Cunningham was agreeable to a two week continuance.

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

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 7 was heard next.**

6. **VAC-37-05 (23444) GOLDFIELD I (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF WILLIAM LYON HOMES, INC., PROPERTY OWNER, TO VACATE A 30-FOOT-WIDE PORTION OF ROSADA WAY COMMENCING AT GOLDFIELD ROAD AND PROCEEDING EAST APPROXIMATELY 313 LINEAL FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-701-025.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of VAC-37-05 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.

**Robert Cunningham, 4445 South Jones Boulevard, Las Vegas, NV 89103** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 8 was heard next.**

7. **VAC-38-05 (23446) GOLDFIELD III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF GOLDFIELD 20, LLC, PROPERTY OWNER, TO VACATE A 10-FOOT-WIDE PORTION OF THE SOUTHERLY SIDE OF LONE MOUNTAIN ROAD COMMENCING AT GOLDFIELD ROAD AND PROCEEDING EAST APPROXIMATELY 625 LINEAL FEET TO DEEM DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-03-503-001.**

It was requested by the applicant to continue VAC-38-05 to December 28, 2005.

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

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 6 was heard next.**

8. **AMP-70-05 (23439) VALENCIA #6 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN, LLC ON BEHALF OF SOUTHERN NEVADA WATER AUTHORITY, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VERY LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED WEST OF COLEMAN STREET AND APPROXIMATELY 300 FEET NORTH OF GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-08-602-006.**

Item Nos. 8 and 9 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of AMP-70-05.

The applicant was not present.

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, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

9. **ZN-95-05 (23440) VALENCIA #6 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN, LLC ON BEHALF OF SOUTHERN NEVADA WATER AUTHORITY, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED WEST OF COLEMAN STREET AND APPROXIMATELY 300 FEET NORTH OF GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-08-602-006.**

Item Nos. 8 and 9 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-95-05.

The applicant was not present.

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, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

**Item No. 11 was heard next.**

10. **AMP-71-05 (23450) CENTENNIAL CROSSING III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF REGENA HOMES, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MEDIUM HIGH DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-001.**

It was requested by the applicant to continue AMP-71-05 indefinitely.

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

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 15 was heard next.**

11. **VN-25-05 (23423) DECATUR HORSE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GENEVIEVE RAMIREZ, ON BEHALF OF THE GENEVIEVE S. RAMIREZ TRUST 4-401, PROPERTY OWNER, FOR A VARIANCE IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN 11-FOOT SETBACK ON PAD C, A 20-FOOT SETBACK ON PAD D ON THE EASTERN PROPERTY LINE, AND A 5'8" SETBACK ON PAD B ON THE SOUTHERN PROPERTY LINE, BETWEEN A COMMERCIAL BUILDING AND A RESIDENTIAL ZONE BOUNDARY, WHERE 30 FEET IS REQUIRED; AND TO ALLOW A 13-FOOT SETBACK ON THE WESTERN PROPERTY LINE, WHERE 20 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF HORSE DRIVE AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-07-301-009.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending denial of VN-25-05 as the site does not comply with the setbacks due to the need for additional space to meet the parking requirements and Staff does not feel the site is unique. If the Commission desire approval, 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 VN-25-05 is site specific and non-transferable.
3. Approval of VN-25-05 does not include approval of 'Pad A'.
4. The following minimum setback shall be provided:
  - a. Pad 'B' - 5'-8" setback on the southern property line.
  - b. Pad 'B' - 13 foot setback on the west property line.
  - c. Pad 'C' - 11 foot setback on the eastern property line.
  - d. Pad 'D' - 20 foot setback on the eastern property line.

**Chris Winter of Spectrum Survey & Engineering, 7351 West Charleston Blvd, Suite 120, Las Vegas, NV 89117** appeared on behalf of the applicant along with Chris Cunan, the Architect on the project. Mr. Winter stated the site was unique and there were some mitigating circumstances for requesting the waiver of the setback requirements, which was Item No. 11 and Item No. 12 was a request to waive the conditions requiring foundation landscaping. On VN-25-05, the application was for Building Nos. B, C and D. Surrounding the parcel on both sides, are properties owned by the Southern Nevada Water Authority.

The parcel was bounded on the north by Horse Drive, on the west by Decatur Boulevard, on the south, the parcel was owned by the Water Authority and housed a pumping facility. On the east property line, there were giant storage tanks that were within 10 feet of the property line with an eight foot retaining wall. The intent of the setbacks was to separate a commercial use from a non-commercial use. In this case, the surrounding properties are basically non-commercial uses, even though it does not necessarily look that way. They were asking for a waiver of the setback requirement to the wall next to the east back wall as the big tanks are ominous and are very close to the property line. The other property owned by the Water Authority was used as a detention basin. The surrounding properties are not residential. Because the property was originally one piece owned by the same property owner and the Water Authority ended up taking the property, not from condemnation but it was acquired from the property owner. The property owner kept the piece, wanting to use it for commercial. As part of the requirements, they were required to put in a right turn lane on Decatur, which takes a chunk of the property as well as a bus turnout on Horse, which also takes a chunk of the property. The property owner want to put a nice project on the parcel. There will be retail with a restaurant, neighborhood retail and will be an upscale development. The applicant was requesting a setback of 4' for Building "B" on the southern property line; also on Building "B" they were requesting an 18' setback on the west property line; On Building "C" he requested a 17' setback on the eastern property line; and for Building "D" they requested a 15 foot setback on the eastern property line.

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

Chairman Aston closed the Public Hearing.

Chairman Jay Aston stated if the Commission were to consider the application due to the surrounding existing development, he felt a four foot setback on condition No. 4.a was a little tight.

Commissioner Dean Leavitt stated he realized Item No. 12 was currently being discussed, but looking at the setbacks on the application versus what was recommended by Staff, if the applicant met Staff's recommendation, there would be room for some perimeter landscaping, so he would not be in support of the applicant's requested setbacks. Mr. Winter responded on Building "B", the four feet on the south side, Staff suggested, if approved at 5' 8", so it was only 1' 8" difference. He could probably make it fit, but the rationale was that there was a minimum distance the driveway had to be from Horse Drive in order to accommodate the right turn lane, so the traffic had to come in at that location and when you add in the width of the parking stalls, it squished everything down to the south property line. With regard to the foundation landscaping, even though it was the next item, they have space for it and could put it in some of the locations, but from an architectural perspective, the way the store fronts were set up, having the foundation landscaping would give a more open project.

Commissioner Leavitt asked the applicant if he had determined what type of landscaping would go on the 4' strip. Mr. Winter responded it would be some type of desert landscaping, as the intent was to keep it clean and deferred comment to Chris Cunan.

**Chris Cunan, Architect** stated the 4' setback on Building "B" was due to the location of the driveway being moved. They had originally planned the site with 5' 8" because they thought the area was insignificant and the 1' 8" was an arbitrary number because they had to maintain the 200 foot distance from Horse Drive to the driveway entering the site, because there was not 200 feet, they had more room so they had to force it down and that was the reason for the change.

Mr. Jordan stated if there was a desire for approval, a condition should be added that addressed the landscape issue. If the variance was approved, a landscape waiver was also being given, so he suggested adding a condition that would address the fact that a reduction in landscaping was being given. The purpose of the condition was to save the applicant from having to come back later to ask for a waiver of the landscaping, so Robert Eastman was in the process of drafting Condition No. 5.

Commissioner Dean Leavitt asked if there was any landscaping in the parking lot islands. If Building "B" was four feet, it looked like there was two feet where the parking was and he suggested putting some parking diamonds with trees or something to make the area look nice. Mr. Winter stated the site plan in the packet was not the most recent version. There was another version submitted on 11/19/05. He showed Building "B" with 18' on the west, 4' on the south with landscaping and the corner areas adjacent to the parking on either side. There was landscaping in the parking areas in front of Building Nos. C and D as well as landscaping around the remainder of the perimeter. There was also landscaping on both the north and west sides of the property.

Commissioner Leavitt asked Staff if that plan had been reviewed and whether the item should be continued for Staff's review. Mr. Eastman responded they could move forward with the application.

Commissioner Steve Brown asked Staff why they were requesting 5' 8" setbacks. Mr. Eastman explained the minimum setback originally listed on the Staff Report were based on the site plan originally submitted and was not based on the revised site plan. The conditions were written based on what was originally requested by the applicant. Commissioner Brown asked if the applicant could request a waiver on the driveway entrance to get the 1' 8" back. Mr. Jordan responded driveway locations were subject to review and approval by the Traffic Engineer, so that was something the applicant would need to discuss with the Traffic Engineer.

Mr. Winter stated he had met extensively with Public Works, Traffic and Flood Control. This is a unique parcel with a lot of drainage problems because Decatur/Horse is the lowest

point. It puddles and floods and there are a lot of significant grading and drainage issues on the property in order for it to drain. They have worked on the bus turnout, the location and widths of the driveway and that was what lead to the change in the site plan. It was to accommodate the 200 foot width off of Horse Drive.

Robert Eastman, Principal Planner read Condition No. 5 for the record: "Perimeter landscaping around Building Nos. B, C & D shall be provided with widths as approved on Condition No. 4."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 4 AMENDED TO READ:

4. THE FOLLOWING MINIMUM SETBACKS SHALL BE PROVIDED:
  - A. PAD 'B' - 4 FOOT SETBACK ON THE SOUTHERN PROPERTY LINE.
  - B. PAD 'B' - 18 FOOT SETBACK ON THE WEST PROPERTY LINE
  - C. PAD 'C' - 17 FOOT SETBACK ON THE EASTERN PROPERTY LINE.
  - D. PAD 'D' - 15 FOOT SETBACK ON THE EASTERN PROPERTY LINE.
5. PERIMETER LANDSCAPING AROUND BUILDING NOS. B, C & D SHALL BE PROVIDED WITH WIDTHS AS APPROVED ON CONDITION NO. 4.

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

**12. SPR-63-05 (23421) DECATUR HORSE CENTER. AN APPLICATION SUBMITTED BY GENEVIEVE RAMIREZ, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A REDUCTION IN A FOUNDATION LANDSCAPING. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF HORSE DRIVE AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-07-301-009.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending SPR-63-05 be continued to allow the applicant to come to an agreement for the waiver request for the foundation landscaping that would comply with the design standards, which could possibly allow the application to be withdrawn.

**Chris Cunan, Architect**, appeared on behalf of the applicant asking if the six foot requirement for the foundation landscaping could be flexible. Landscaping against the building with little walkways eliminated the ability to be flexible. She asked if landscaping was only wanted at the solid portions of the building or if the six foot depth could be adjusted. She felt to maximize the flexibility on door locations and providing some attractive landscaping in large pots would compliment the architecture on the rest of the site and would help allow flexibility and still fulfill the requirement of having landscaping at the corners where it would not intrude on the entrances.

Chairman Aston responded some of those questions and answers could be dealt with and handled if the application were continued.

**Chris Winter of Spectrum Survey & Engineering, 7351 West Charleston Blvd, Suite 120, Las Vegas, NV 89117** stated he was agreeable to a two week continuance.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

13. **AMP-67-05 (23425) AZURE AND NORTH 5<sup>TH</sup> (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MOUNTAIN VIEW TOWNHOMES, LLC ON BEHALF OF DURANGO ELKHORN, LLC, ET AL, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF AZURE AVENUE AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-202-001, 124-26-202-002, 124-26-202-003 AND 124-26-202-004.**

Item Nos. 13 and 14 were presented together

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of AMP-67-05 for MDR, Medium Density Residential and approval of ZN-93-05 for R-2, Two Family Residential District as the proposed project was not located at the intersection of two 100-foot right-of-ways and currently they are located along North 5<sup>th</sup> street which is a 100 foot right-of-way; however, the other streets, both Donna and Azure are 60 foot streets. Centennial Parkway is approximately one quarter mile away and is a 100 foot street.

**Bob Gronauer 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 the property consisted of approximately 10 acres. They are adjacent to North 5<sup>th</sup> Street on the west and to the north is Azure Avenue, to the south there is some existing single-family residential and to the north, just recently, was approved for an R-3 Multi-family development. He felt high density residential was appropriate in the area of North 5<sup>th</sup> Street. Further to the south on North 5<sup>th</sup> Street, much of the property has been developed for single-family residential. There has been for a shift to high density with a mixture of commercial uses. A site plan had not been submitted but there is a plan that was drawn up by the engineer. If you look at the site plan, they have been able to fit an R-3 project on the property to meet the setback requirements, open space, and other concerns Staff might have. The closest building from the property line on the south side was approximately 107 feet to the far east and far west. Code required at least a 50 foot minimum building setback in that area. They exceed the open space requirements by 20 percent but that was in full compliance with the R-3 Standards. A site development plan was not before the Commission at this time but that was taken into consideration with respect to try to design the area. After filing the applications, they wanted to see how they could buffer the area. He understood the North 5<sup>th</sup> corridor was an exciting area and density was needed and one of the things they agreed to was if they were able to obtain

the property, his client would like to build two different products in the area to make it more compatible and asked for approval with HDR, High Density Residential. Although it would be high density, the density they were coming in with was between 20 and 21 units per acre to comply with Code.

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

**Terry Connolly, 712 Cowboy Cross Avenue, North Las Vegas, NV 89081** stated his home was on the south side of the proposed development and when he purchased his home, he understood the property behind his home was going to be R-2 or commercial and was opposed to the very high density. He was concerned about his property value, privacy and the traffic congestion going in and out of the development. He asked for a time frame when the project would be developed.

Chairman Aston closed the Public Hearing.

Mr. Gronauer stated if the project was approved, it would be approximately two years before there was any occupancy, depending how long the building permit process took. Any developments and future developments were not allowed to have any curb cuts on North 5<sup>th</sup> Street, so with respect to any traffic coming out on North 5<sup>th</sup> Street, it would not be coming from the proposed project. Also, the project to the north was not allowed to have any curb cuts on North 5<sup>th</sup> Street; although North 5<sup>th</sup> Street was going to be a 150' right-of-way, with this application they were required to give an additional dedication of property to go from 100' to 150' in that area. The next issue was the concern of multi-family. One of things to look at in the area, there were some single-family developments, which does not necessarily mean it was not right to approve multi-family. Multi-family has its place in areas, especially when dealing with North 5<sup>th</sup> Street. If you look at the general vicinity of the proposed project, there was not much R-3. If the application was approved and they met all of the setbacks and open space requirements, they could provide adequate buffering to address Mr. Connolly's concerns regarding development encroaching to the south of his property.

**ACTION: APPROVED FOR HDR, HIGH DENSITY RESIDENTIAL**

**MOTION: Commissioner Shull**

**SECOND: Commissioner Trivedi**

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

**NAYS: Commissioners Leavitt and Brown**

**ABSTAIN: None**

14. **ZN-93-05 (23426) AZURE AND NORTH 5<sup>TH</sup> (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MOUNTAIN VIEW TOWNHOMES, LLC ON BEHALF OF DURANGO ELKHORN, LLC, ET AL, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF AZURE AVENUE AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-202-001, 124-26-202-002, 124-26-202-003 AND 124-26-202-004.**

Item Nos. 13 and 14 were presented together

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of AMP-67-05 for MDR, Medium Density Residential and approval of ZN-93-05 for R-2, Two Family Residential District as the proposed project was not located at the intersection of two 100-foot right-of-ways and currently they are located along North 5<sup>th</sup> street which is a 100 foot right-of-way; however, the other streets, both Donna and Azure are 60 foot streets. Centennial Parkway is approximately one quarter mile away and is a 100 foot street.

**Bob Gronauer 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 the property consisted of approximately 10 acres. They are adjacent to North 5<sup>th</sup> Street on the west and to the north is Azure Avenue, to the south there is some existing single-family residential and to the north, just recently, was approved for an R-3 Multi-family development. He felt high density residential was appropriate in the area of North 5<sup>th</sup> Street. Further to the south on North 5<sup>th</sup> Street, much of the property has been developed for single-family residential. There has been for a shift to high density with a mixture of commercial uses. A site plan had not been submitted but there is a plan that was drawn up by the engineer. If you look at the site plan, they have been able to fit an R-3 project on the property to meet the setback requirements, open space, and other concerns Staff might have. The closest building from the property line on the south side was approximately 107 feet to the far east and far west. Code required at least a 50 foot minimum building setback in that area. They exceed the open space requirements by 20 percent but that was in full compliance with the R-3 Standards. A site development plan was not before the Commission at this time but that was taken into consideration with respect to try to design the area. After filing the applications, they wanted to see how they could buffer the area. He understood the North 5<sup>th</sup> corridor was an exciting area and density was needed and one of the things they agreed to was if they were able to obtain the property, his client would like to build two different products in the area to make it more compatible and asked for approval with HDR, High Density Residential. Although it would be high density, the density they were coming in with was between 20 and 21 units per acre to comply with Code.

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

**Terry Connolly, 712 Cowboy Cross Avenue, North Las Vegas, NV 89081** stated his home was on the south side of the proposed development and when he purchased his home, he understood the property behind his home was going to be R-2 or commercial and was opposed to the very high density. He was concerned about his property value, privacy and the traffic congestion going in and out of the development. He asked for a time frame when the project would be developed.

Chairman Aston closed the Public Hearing.

Mr. Gronauer stated if the project was approved, it would be approximately two years before there was any occupancy, depending how long the building permit process took. Any developments and future developments were not allowed to have any curb cuts on North 5<sup>th</sup> Street, so with respect to any traffic coming out on North 5<sup>th</sup> Street, it would not be coming from the proposed project. Also, the project to the north was not allowed to have any curb cuts on North 5<sup>th</sup> Street; although North 5<sup>th</sup> Street was going to be a 150' right-of-way, with this application they were required to give an additional dedication of property to go from 100' to 150' in that area. The next issue was the concern of multi-family. One of things to look at in the area, there were some single-family developments, which does not necessarily mean it was not right to approve multi-family. Multi-family has its place in areas, especially when dealing with North 5<sup>th</sup> Street. If you look at the general vicinity of the proposed project, there was not much R-3. If the application was approved and they met all of the setbacks and open space requirements, they could provide adequate buffering to address Mr. Connolly's concerns regarding development encroaching to the south of his property.

Chairman Aston opened the Public Hearing for ZN-93-05 and asked Mr. Connolly if he had additional comments.

**Terry Connolly, 712 Cowboy Cross Avenue, North Las Vegas, NV 89081** asked if apartments were built on the property, if people would be able to look into his backyard. He felt he would be losing his privacy.

Mr. Gronauer explained he would work with Mr. Connolly to show him the site plan and how the site was being designed. One of the important things to note, was the fact that they tried to minimize the impact and not have balconies and buildings facing windows from the adjacent property. They were trying have the building looking more to the east and west instead of north and south. They pushed everything up on Azure Avenue so they could provide as large a buffer as possible and in working with Mr. Connolly to address his concerns, they have already discussed the potential of adding additional mature trees along the south property line to address any other concerns. When they come back with the site

plan review, in working with Mr. Connolly, to add the extra buffering, they would also address his issue regarding the line of site.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED FOR R-3, Multi-Family Residential

MOTION: Commissioner Shull

SECOND: Commissioner Trivedi

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

NAYS: Commissioners Leavitt and Brown

ABSTAIN: None

**Item No. 19 was heard next.**

15. **AMP-69-05 (23433) DECATUR/RANCH HOUSE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PULTE HOMES ON BEHALF OF BERMUDA AND BOULEVARD, LLC, ET AL, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF REGIONAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DECATUR BOULEVARD AND RANCH HOUSE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-101-009.**

It was requested by the applicant to continue AMP-69-05 to January 25, 2006.

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

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 25, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 16 was heard next.**

16. **AMP-68-05 (23434) CENTENNIAL & VALLEY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AVANTE HOMES ON BEHALF OF HHINV, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LOW DENSITY RESIDENTIAL TO VERY HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF VALLEY DRIVE AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-510-004.**

It was requested by the applicant to continue AMP-68-05 to January 11, 2006.

**Bob Gronauer 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 the application was being held as they were going through some revisions from the original application and were going to be making substantial changes to the plan. He stated he would like a list of the neighbors who were attending the meeting and would keep in touch with them. They were meeting with Staff to redesign the area intended for rezoning.

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

- **Scott Whitney, 3913 Ricebird Way, North Las Vegas, NV 89084** asked if the applicant could give an indication in what direction the changes were going. Chairman Aston responded that would be presented when the item was heard, but they could get with the applicant and ask for a neighborhood meeting. Mr. Whitney stated the residents were concerned about the plan they had seen.
- **Melissa Whitney, 3913 Ricebird Way, North Las Vegas, NV 89084** had same comments as Scott Whitney.
- **Marlin Dobbins, 3917 Ricebird Way, North Las Vegas, NV 89084** had no comments at this time but was interested in a neighborhood meeting.
- **Ken Klosterman, Jr., 6127 Sage Hills Place, North Las Vegas, NV 89031** stated when he purchased his home, he was told by Aliante that there would not be any very high density residential in the area. The two parcels behind his home are also zoned R-3 and he asked if the zoning on that was also going to be changed. He was opposed to very high density.
- **Albert Campos, 3930 Passing Storm, North Las Vegas, NV 89031** stated he would hold his comments.

- **Edwin Wieger, 3717 Rock Dove Way, North Las Vegas, NV 89084**, president of the Aliante Manor Housing Association stated in the planning that was approved, it said there could not be housing over one story and planning did not take that into account and asked for clarification. Chairman Aston responded he was hesitant to discuss the issue, as the application was not being presented at this time. Mr. Wieger stated he was opposed to very high density.
- **Keith Turgiss, 6416 Raptor Court, North Las Vegas, NV 89084** stated he was opposed to the zoning being changed to very high density.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 11, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 17 was heard next.**

17. **ZN-94-05 (23437) CENTENNIAL & VALLEY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AVANTE HOMES ON BEHALF OF HHINV, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-2 GENERAL COMMERCIAL DISTRICT TO AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF VALLEY DRIVE AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-510-004.**

It was requested by the applicant to continue ZN-94-05 to January 11, 2006.

The following comments were brought forward from Item No. 16:

**Bob Gronauer 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 the application was being held as they were going through some revisions from the original application and were going to be making substantial changes to the plan. He stated he would like a list of the neighbors who were attending the meeting and would keep in touch with them. They were meeting with Staff to redesign the area intended for rezoning.

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

- **Scott Whitney, 3913 Ricebird Way, North Las Vegas, NV 89084** asked if the applicant could give an indication in what direction the changes were going. Chairman Aston responded that would be presented when the item was heard, but they could get with the applicant and ask for a neighborhood meeting. Mr. Whitney stated the residents were concerned about the plan they had seen.
- **Melissa Whitney, 3913 Ricebird Way, North Las Vegas, NV 89084** had same comments as Scott Whitney.
- **Marlin Dobbins, 3917 Ricebird Way, North Las Vegas, NV 89084** had no comments at this time but was interested in a neighborhood meeting.
- **Ken Klosterman, Jr., 6127 Sage Hills Place, North Las Vegas, NV 89031** stated when he purchased his home, he was told by Aliante that there would not be any very high density residential in the area. The two parcels behind his home are also zoned R-3 and he asked if the zoning on that was also going to be changed. He was opposed to very high density.
- **Albert Campos, 3930 Passing Storm, North Las Vegas, NV 89031** stated he would hold his comments.

- **Edwin Wieger, 3717 Rock Dove Way, North Las Vegas, NV 89084**, president of the Aliante Manor Housing Association stated in the planning that was approved, it said there could not be housing over one story and planning did not take that into account and asked for clarification. Chairman Aston responded he was hesitant to discuss the issue, as the application was not being presented at this time. Mr. Wieger stated he was opposed to very high density.
- **Keith Turgiss, 6416 Raptor Court, North Las Vegas, NV 89084** stated he was opposed to the zoning being changed to very high density.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 11, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 18 was heard next.**

18. **SPR-62-05 (23397) CENTENNIAL AND COMMERCE. AN APPLICATION SUBMITTED BY CCD TEMPLE, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO ALLOW A WAIVER TO PLACE AIR CONDITIONING CONDENSERS ON ROOFS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-813-001 THRU 124-22-813-085.**

It was requested by the applicant to continue SPR-62-05 to December 28, 2005.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 23 was heard next.**

19. **T-1228 (23435) LA MADRE-GOLDFIELD II. AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES ON BEHALF OF NORTH LAS VEGAS II, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT (PROPOSED TO AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT) CONSISTING OF 25 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTH EAST CORNER OF VERDE WAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-803-003.**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending T-1228 be continued to allow the applicant time to address Staff concerns regarding the proposed homes fronting Goldfield Street which was a 60 foot right-of-way.

If the Commission determines approval is warranted, Staff recommends the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method; the development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Single-Family Development Design Standards.
3. Tentative map T-1228 shall be considered null and void if ZN-92-05 is not approved by the City Council.
4. 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.
5. Approval of a drainage study is required prior to submittal 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. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.
9. 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:
  1. Goldfield Street
  2. Verde Way
  3. Eagle Way
10. Sixty (60) foot minor residential collector streets must be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
11. 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.
12. Sidewalks are required on a minimum of one side of all interior, private streets.
13. Sidewalks shall be mapped as part of the private street or located within a common element and not part of the lot.
14. The property owner is required to grant roadway easements where public and private streets intersect.
15. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
16. 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.
17. All common elements shall be labeled and are to be maintained by the Home Owners Association.

18. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
19. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
20. 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.
21. A revocable encroachment permit for landscaping within the public right of way is required.
22. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
23. Proposed residential driveway slopes shall not exceed twelve percent (12%).
24. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

**Russell Skuse, 7525 Hickam Avenue, Las Vegas, NV** appeared on behalf of the applicant stating he worked out some issues with Public Works and submitted a revised plan. He disagreed that there was an issue with houses fronting Goldfield Street. He explained they were trying to be consistent with existing developments in the area. Goldfield is a 60 foot right-of-way and homes were allowed to face that street and it was more of a neighborhood. There were also houses fronting on Verde Way across the street from the proposed project.

Commissioner Steve Brown stated since there were existing approved homes across from this development facing Goldfield Street, he would be in support of the application.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Shull

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

**NAYS:** None

**ABSTAIN:** None

20. **T-1229 (23432) GILMORE & FUSELIER. AN APPLICATION SUBMITTED BY CENTEX HOMES ON BEHALF OF SOUTHERN NEVADA WATER AUTHORITY, ALEX COLEMAN LLC AND ROBBIN MARTINDALE, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT AND R-1 SINGLE FAMILY RESIDENTIAL DISTRICT CONSISTING OF 24 UNITS OF SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED APPROXIMATELY 300 FEET SOUTH OF GILMORE AVENUE AND WEST OF GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-602-003, 139-08-602-004, 139-08-602-005 AND 139-08-602-006.**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending approval of T-1229 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 comply with the Single-Family Design Standards.
3. 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.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Side lot easement(s) must conform to *City of North Las Vegas Municipal Code 17.24.210.D.4.a.*
6. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.

8. 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:
  - a. Coleman Street
9. The Coleman Street geometrics must be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
10. All common elements shall be labeled and are to be maintained by the Home Owners Association.
11. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
12. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
13. 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.
14. A revocable encroachment permit for landscaping within the public right of way is required.
15. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
16. Proposed residential driveway slopes shall not exceed twelve percent (12%).
17. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
18. The property owner is responsible for relinquishment of public and private utility easement(s) and granting easement(s) for new locations.

**Brent Wilson of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89117** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

**21. SPR-61-05 (23357) PECOS INDUSTRIAL COMPLEX. AN APPLICATION SUBMITTED BY PECOS INDUSTRIAL COMPLEX HOA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-1 LIGHT INDUSTRIAL DISTRICT TO ALLOW 30 FOOT PARKING LOT LIGHT POLES. THE PROPERTY IS LOCATED AT 4300 NORTH PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-397-003.**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending denial of SPR-61-05 as the applicant had not demonstrated why 30 foot light poles should be allowed. Additionally, a single-family residential development would be within clear line of sight, approximately 475 feet to the east of the development. Should the Commission determine approval is warranted, Staff recommends the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this site shall comply with all applicable codes and ordinances.
2. The lighting poles and fixtures shall not exceed thirty feet (30.00'), as measured from any adjacent parking surface. The applicant shall obtain a building permit prior to installation. Included in the building permit application packet shall be a photometric lighting plan prepared and stamped by a Nevada-licensed electrical engineer.
3. Any landscape materials or plants removed as a result of the new pole installation shall be relocated, or replaced by new plants, within the same planter area (identified as "Common Area" on the submitted site plan.) A "before" and "after" landscape and irrigation plan shall be submitted in conjunction with the building permit application packet.

**Priscilla McMann, President of the Home Owners Association and Richard Alsly, 43300 North Pecos, Director of the Home Owners Association** and a tenant in the project and also the electrical contractor who would be installing the lights. Mr. Alsly stated they disagreed with Staff as the lighting was necessary for security and safety on the property. The poles were a standard street light pole which currently existed in the front of the property, which was owned by the City. A second arm was being added to the pole so there would be six light fixtures in the parking lot. In order for the lighting to cover the area, the 30 foot height was needed and light would not spill over into the residential area as the light would not shine 400 feet away.

Commissioner Dean Leavitt asked what type of light fixtures would be installed. Mr. Alsly responded they would be white, 250 watt, the same as used on the City's streets, a Cobra Head Light, but it would be a metal highlight with the same wattage but would be a white light instead of the orange glow light. Commissioner Leavitt asked how many lights would be installed. Mr. Alsly responded there would be three poles with two light fixtures on each. Commissioner Leavitt asked if the distance from the residential area was to the property line.

Commissioner Dilip Trivedi stated since the complex was surrounded by other industrial lots and the light would not spill over into any residential neighborhoods, he was in support of the application.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION: Commissioner Shull**

**SECOND: Commissioner Leavitt**

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

**NAYS: None**

**ABSTAIN: None**

**22. SPR-64-05 (23431) COMMERCE COMMONS. AN APPLICATION SUBMITTED BY TERRITORY INCORPORATED, ON BEHALF OF IKE LAWRENCE AND DANAM. EPSTEIN, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT FOR 179,862 SQ. FT. OF COMMERCIAL RETAIL BUILDINGS AND LANDSCAPE WAIVERS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-27-502-007 AND 124-27-502-008.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending SPR-64-05 be approved subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this site shall comply with all applicable codes and ordinances.
2. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, with the exception of the following:
  - a. The requirement for one 6-foot (minimum) landscape island for every fifteen parking spaces in a row is waived;
  - b. In-lieu of providing one 6-foot landscape strip between every other row of head-to-head parking, one landscape "diamond" (measuring 6'-6" by 6'-6", outside-of-curb to outside-of-curb) shall be provided for every three parking stalls in all rows of head-to-head parking, and "half-diamonds" shall be provided for every three parking stalls in a row in all single rows of parking;
  - c. Lighting poles shall be prohibited within the required landscape "diamonds" and "half-diamonds";
  - d. Each landscape "diamond" shall be planted with one 24-inch box tree and a minimum four shrubs (1 - 5 gallons each) and each "half-diamond" shall be planted with one 24-inch box tree and a minimum three shrubs (1 - 5 gallons each);
3. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to:
  - a. providing additional architectural elements along the rear and side facades of the buildings to be consistent with the elevations approved herein. Each facade of each building shall feature cement plaster (i.e., stucco) exterior with

stone veneer wainscoting around the columns, flat roofs with a parapet and cornice element, colonnades along the fronts and sides where sidewalks are provided, and each building shall include at least one hipped roof element with concrete roof tiles. Additional accent molding bands and clustered accent tile “windows” shall be provided on each side of all buildings, as depicted in the elevations approved herein;

- b. providing a 6-foot (minimum) landscape island at each end of all rows of parking;
- c. providing a minimum 20 feet of landscaping between all property lines and any abutting parking stalls or drive aisles;
- d. provided a 3-foot-high (as measured from the abutting on-site parking stall or drive aisle) berm or decorative wall to prevent headlights from shining onto adjacent streets and / or sidewalks;
- e. providing a minimum 900 square feet of pedestrian plaza area, which cannot be within, or in-lieu of, any required landscape areas. Said plaza area(s) shall be protected by large (minimum four feet in diameter each) boulders, bollards, large-trunk trees (i.e., Washingtonia Palms, 10 feet [minimum] above the top of the root ball) and railings, etc. if the plaza areas are located at the corners of the site. If the plaza areas are located internally, they shall be separated from any parking spaces or drive aisles by a minimum 10 feet of landscaping;
- f. providing foundation landscaping, or a suitable alternative;
- g. providing meandering sidewalks along the perimeter streets that are separated by a minimum five feet of landscaping from the backs-of-curb, except at the intersections and bus stop(s), where the sidewalks are not required to be separated from the backs-of-curb;
- h. providing ADA-compliant pedestrian access routes from the perimeter sidewalks to the primary customer entrances of the “Major” tenants and the “Pad” developments. Pedestrian access routes cannot be in-lieu of required landscaping;
- i. bicycle parking facilities shall be provided within 100 feet of the primary customer entrances of each of the “Major” tenants. At least two parking spaces per “Major” tenant shall be identified on the plans and cannot be within required landscape areas and cannot impede pedestrian access;

- j. bicycle parking facilities shall be provided within 100 feet of each "Pad" site. At least two parking spaces per "Pad" shall be identified on the plans and cannot be within required landscape areas and cannot impede pedestrian access;
  - k. access to the roofs shall be from within the buildings. Exterior roof ladders are not permitted;
  - l. exterior downspouts are not permitted;
4. The development of this site shall comply with all applicable conditions of UN-31-05. Where there is a conflict with the conditions stated herein, the more restrictive shall apply.
  5. All signage shall comply with the requirements set forth in the Zoning Ordinance and a Master Sign Program shall be submitted for review and approval by staff prior to application of any building permits.
  6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
  7. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
  8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
  9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
  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. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Commerce Street.
  12. The Goldfield Street geometrics may be required to be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.

13. 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:
  1. Centennial Parkway
  2. Commerce Street
  3. Goldfield Street
14. Right-of-way dedication for a flared intersection, including a right turn lane, is required at Commerce Street and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
15. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
16. The developer shall install medians islands within Centennial Parkway.
17. Proposed driveways on Centennial Parkway and Commerce Street will be restricted to right in/right out movements, except for the mid-block access on Centennial Parkway.
18. 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.
19. The property owner is required to grant a roadway easement for commercial driveway(s).
20. 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.
21. A revocable encroachment permit for landscaping within the public right of way is required.
22. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
23. The property owner is required to sign a restrictive covenant for utilities.

24. 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*.
25. A construction phasing plan, depicting onsite development and supporting offsite improvements, as well as construction access routes, shall be provided by the developer. Approval by the Department of Public Works is required prior to the issuance of any permits.
26. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
27. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

**Sean McGowan of Beckley Singleton Law Firm, 530 Las Vegas Blvd South, Las Vegas, NV 89014 and Terry Sturm, of Territory Inc.** Mr. McGowan stated he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 25 was heard next.**

**OLD BUSINESS**

23. **ZN-89-05 (23033) CENTENNIAL CROSSING III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF REGENA HOMES, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-001. (CONTINUED NOVEMBER 9, 2005)**

It was requested by the applicant to continue ZN-89-05 indefinitely.

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

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**Item No. 24 was heard next.**

24. **T-1226 (23029) CENTENNIAL CROSSING III. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF REGENA HOMES, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT (PROPOSED R-3 MULTI-FAMILY RESIDENTIAL DISTRICT) CONSISTING OF 67 CONDOMINIUM UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-001. (CONTINUED NOVEMBER 9, 2005)**

It was requested by the applicant to continue T-1226 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**Item No. 26 was heard next.**

25. **SPR-59-05 (22998) LV CORPORATE CENTER BLDG. 11. AN APPLICATION SUBMITTED BY CHRIS ROPER ON BEHALF OF PROLOGIS - KURT FULLER, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A 253,200 SQUARE FOOT OFFICE/WAREHOUSE BUILDING. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CORPORATE CENTER DRIVE AND PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-810-005. (CONTINUED NOVEMBER 9, 2005)**

The application was presented by Vicki Adams, Planner on behalf of Staff who indicated Staff was recommending approval of SPR-59-05 subject to the following conditions:

1. That the development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Industrial Development Standards with the exception of the following:
  - a. Loading and/or storage areas which abut a public street are not required to be screened by decorative walls or landscaped berms with a minimum height of 6 feet above the finished grade at the rear of the set back area.
  - b. Any area of a parking lot or loading area or storage areas which abuts a public street shall be setback from the property line a minimum of 10 feet.
  - c. A six-foot-wide landscaped island shall be required within each parking row for every 15 parking spaces contained within a row, and the end of each row along Pecos Road only.
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. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. 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 the *City of North Las Vegas Municipal Code* Section 17.24.130. Conformance may require modifications to the site.

7. Driveways along Corporate Center are to be either aligned or offset an adequate distance to prevent left turn conflicts.
8. Commercial driveways are to be constructed in accordance with the *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. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distributions lines, existing or proposed, shall be placed underground.
11. The property owner is required to sign a restrictive covenant for utilities.

**Chris Roper, 6995 Sierra Center Parkway, Reno, NV 89511** appeared on behalf of the applicant stating they concurred with Staff recommendation with the exception of Condition No. 2.C, where they are requiring landscape islands adjacent to Pecos Road. The rest of the buildings in the park to the south of the proposed project did not have landscape islands, so he felt it was appropriate to maintain consistency and asked for the condition to be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 2.C

MOTION: Commissioner Shull

SECOND: Chairman Aston

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

NAYS: None

ABSTAIN: None

26. **T-1225 (23028) INTERNATIONAL VILLAGE. AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF ZOMACK 1, LLC, D'NAL 3, LLC, 5440 W. SAHARA, LLC AND CAREFREE HOLDINGS, LP / TEMPLETON GROUP, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT (PROPOSED FOR R-2, TWO FAMILY) CONSISTING OF 102 SINGLE-FAMILY AND 200 MULTI-FAMILY DWELLINGS. THE PROPERTY IS LOCATED APPROXIMATELY 2200 FEET NORTHEAST OF THE INTERSECTION OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-501-006, 139-07-510-026 THRU -030, 139-07-510-035 THRU -040, 139-07-510-043 THRU -044, 139-07-510-046 THRU -047, 139-07-510-054 THRU -060, 139-07-510-065, 139-07-602-003, 139-07-603-001, 139-07-610-044 THRU -052, AND 139-07-610-056 THRU -066. (CONTINUED NOVEMBER 9 AND 22, 2005)**

Chairman Jay Aston stated the company he works for was involved with the project and he would be abstaining.

It was requested by the applicant to continue T-1225 to January 11, 2006.

ACTION: CONTINUED TO JANUARY 11, 2006

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: Chairman Aston

**Item No. 27 was heard next.**

27. **T-1224 (22999) INTERNATIONAL VILLAGE. AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF ZOMACK 1, LLC, D'NAL 3, LLC, AND 5440 W. SAHARA, LLC, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT CONSISTING OF 118 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-601-006, 139-07-601-007, 139-07-601-010, 139-07-601-011, 139-07-601-014, 139-07-601-015, 139-07-601-016, 139-07-601-017, 139-07-601-034, 139-07-601-035, 139-07-601-046, 139-07-601-037, 139-07-601-038, 139-07-601-039, 139-07-601-040, 139-07-601-041, 139-07-601-042, 139-07-601-044, 139-07-601-045, 139-07-601-047, 139-07-601-049, 139-07-601-017, 139-07-601-046, 139-07-601-048, 139-07-601-050, 139-07-601-051, 139-07-601-052, 139-07-601-054, 139-07-601-055, 139-07-601-056, 139-07-601-073, 139-07-601-074 AND 139-07-601-075. (CONTINUED NOVEMBER 9 AND 22, 2005)**

Chairman Jay Aston stated the company he works for was involved with the project and he would be abstaining.

It was requested by the applicant to continue T-1224 to January 11, 2006.

ACTION: CONTINUED TO JANUARY 11, 2006

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: Chairman Aston

**Item No. 1 was heard next.**

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 8:13 p.m.

APPROVED: January 11, 2006

/s/ Jay Aston  
Jay Aston, Chairman

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