

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

June 14, 2006

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

BRIEFING: 5:00 P.M., Clark County School District Presentation,
Conference Room, North Las Vegas City Hall, 2200 Civic
Center Drive

5:30 P.M., Conference Room, North Las Vegas City Hall,
2200 Civic Center Drive

CALL TO ORDER: 6:05 P.M., Council Chambers, North Las Vegas City Hall,
2200 Civic Center Drive

ROLL CALL: Chairman Jay Aston - Present
Vice-Chairman Jo Cato - Absent
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 & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Vicki Adams, Planner
Nick Vaskov, Deputy City Attorney II
Randy Cagle, PW, Real Property Services Manager
Madeleine Jabbour, Public Works
James Frater, Fire Department
Jose Rodriguez, Police Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Angelo Carvalho

WELCOME: Chairman Jay Aston

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MAY 10, 2006.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

AYES: Chairman Aston, Commissioners Leavitt, Shull, Brown, and Carvalho

NAYS: None

ABSTAIN: Commissioner Trivedi

CONSENT AGENDA

- A. **PW-111-06 (26319) CRAIG COMMERCE PLAZA: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY DESERT VISTA DEVELOPMENT AND ACCEPT THE CASH-IN-LIEU OF BOND AGREEMENT - SEPARATE ACCOUNT IN THE AMOUNT OF \$105,954.60.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- B. **PW-112-06 (26321) ELDORADO NO. 16 R1-60 TM 22, PHASE 1: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$997,957.73.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

C. PW-113-06 (26324) TROPICAL & LOSEE COMMERCIAL: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY TROPICAL & LOSEE, LLC AND ACCEPT THE IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$450,033.80.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

D. PW-114-06 (26325) TREVI BUSINESS PARK: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY NAVAJO WHITE, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$95,527.37.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

E. PW-115-06 (26326) K & G FOAM WAREHOUSE: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY ALEXANDER & BELMONT, LLC AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$428,089.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

F. PW-116-06 (26327) LAS VEGAS CORPORATE CENTER, BLDG. 11: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY PROLOGIS AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$218,688.60.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

G. PW-117-06 (26328) MOUNTAIN SHADOW: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY AMIATA, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$878,398.16.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

H. PW-118-06 (26329) CENTENNIAL PARKWAY/MT. HOOD PARCEL MAP: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY CENTENNIAL WEST, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,410,147.75.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

I. PW-119-06 (26330) STORAGE WEST CENTENNIAL & DONNA MEDIAN ISLAND: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY LAACO, LTD AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$332,569.06.

ACTION: APPROVED

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

J. PW-120-06 (26332) ELDORADO NO. 15 MODEL HOME COMPLEX: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY UNITED PACIFIC INSURANCE COMPANY TO RELEASE THE SUBDIVISION BOND IN THE AMOUNT OF \$324,454.13.

ACTION: APPROVED

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

K. PW-121-06 (26334) D & D FREHNER OFF-SITES: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO RELEASE THE CASH-IN-LIEU OF BOND IN THE AMOUNT OF \$19,794.41.

ACTION: APPROVED

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

- L. **PW-122-06 (26335) CHEYENNE ALLEN COMMERCIAL, PHASE 2: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY CONTRACTORS BONDING AND INSURANCE COMPANY TO RELEASE THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$56,771.33.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- M. **PW-123-06 (26337) HARTRIDGE, UNIT 1: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY THE CONTINENTAL INSURANCE COMPANY TO RELEASE THE SUBDIVISION BOND IN THE AMOUNT OF \$597,211.43.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 6 was heard next.

NEW BUSINESS

1. **ZN-41-06 (25871) CENTENNIAL ESTATES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY STANDARD PACIFIC HOMES, ON BEHALF OF STANDARD PACIFIC LAS VEGAS, INC., PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 68 TRIPLEXES (204 UNITS TOTAL). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND DONNA STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-23-401-002.**

The application was presented by Vicki Adams, Planner who stated, since the publication of the Staff Report, the applicant submitted a revised open space exhibit and a site plan for Staff review and Staff is now satisfied the applicant has provided sufficient open space and parking for the project; however, the Parks and Recreation Department was recommending ZN-41-06 be continued, as the applicant has not provided the minimum amenities required for the project. If the Commission desires approval, the following conditions are recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. **The final development plan shall be accompanied by an exhibit that provides details of the open space/recreational areas showing landscaping, amenities, dimensions, boundaries and calculated square footage. The applicant is required to meet with the Department of Parks and Recreation prior to submitting any final development plan.**
3. Adequate parking shall be provided and shown on the final development plan, and shall comply with the requirements set forth in the Zoning Ordinance.
4. The following shall apply to this development:
 1. Twenty (20) foot minimum separation between buildings.
 2. Five (5) foot minimum side setback adjacent to entry street common elements.
 3. Fifteen (15) foot minimum setback to the property line adjacent to the Centennial Parkway Channel.
 4. Twenty (20) foot minimum setback to all other perimeter property lines.
5. Driveways, a minimum of five (5) feet in length, will be allowed, provided that parking is prohibited in any driveway less than eighteen (18) feet in length.

6. This planned unit development shall comply with the Multiple Family Development Standards, including, but not limited to:
 - a. Refuse collection areas of sufficient size and number shall be provided.
 - b. A minimum of 50 percent of the development's open space amenities be accessible within 300 feet of any dwelling unit.
 - c. Individual outdoor areas or patios shall not encroach into required buffer landscaping areas.
 - d. Internal pedestrian walkways, separate from drive aisles, shall be provided. Pedestrian walkways shall be constructed of stamped and dyed concrete, shall be ADA-accessible, provided with lights and connected to another pedestrian walkway. "Mid-block" and internal crossings of any drive aisle shall be raised to curb level.
 - e. Balconies, at least 40 square feet in size, or patios, at least 80 square feet in size, shall be provided for every residential unit.
7. Landscaping , including a small variety tree and ground cover shall be provided on each side of each garage entrance way, and shall be owned, watered and maintained by the homeowners' association. Landscaping shall be provided in a sealed planter or another alternative method, as approved by staff.
8. Perimeter walls shall be owned and maintained by the Homeowner's Association.
9. A minimum of 146,479 square feet of open space shall be provided that meets the minimum size requirements established in the Zoning Ordinance (Title 17).
10. All required open space and required landscaping areas shall be labeled as common elements and shall be maintained by the homeowners' association.
11. Approval of a drainage study is required prior to submittal of the civil improvement plans.
12. 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.
13. 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.

14. The property owner is required to grant a permanent drainage easement adjacent to Centennial Parkway for the Centennial Parkway East - Regional Flood Control District Facility. The easement must provide a minimum width of 54.25-feet.
15. The applicant shall submit a traffic study update for review and approval.
16. Grand Estates Avenue must align with Glentana Avenue.
17. 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. Rome Boulevard
 - b. Donna Street
 - c. Centennial Parkway
18. The Rome Boulevard and Donna Street geometrics shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
19. The property owner is required to grant roadway easements where public and private streets intersect.
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. No trees shall be planted within five (5) feet either side of the box culvert that is to be constructed within the drainage easement on the north side of Centennial Parkway.
23. Perimeter landscaping adjacent to Centennial Parkway must be increased appropriately to support the planting of 24-inch box trees. This area must be shown on the final development plan.
24. Plans are required to be labeled with street names in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
25. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.

26. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards; counterclockwise from the main entrance.
27. All common elements shall be labeled and are to be maintained by the Home Owners Association.
28. 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.
29. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
30. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
31. Proposed residential driveway slopes shall not exceed twelve percent (12%).
32. 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.
33. This project shall be mapped as condominiums.
34. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
35. The following list of amenities are required, at minimum:
 - a. Circuitous lighted paths.
 - b. A minimum of 20 trees per acre.
 - c. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection and an accompanying shade ramada.
 - d. A swimming pool.
 - e. A large open space area for group / organized play.
 - f. One large group shade area / lighted gazebo (30' diameter).

- g. Picnic tables and barbecue grills.
- h. Benches spaced along park pathways.
- i. ADA accessibility.
- j. Details of amenities to be provided

Brent Wilson, Orion Engineering and Surveying, 7391 Prairie Falcon Road Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant stating he felt he had an acceptable plan and agreed with Parks and Recreation's amendment, including the pool and various amenities being requested as part of the multi-family development. He asked to amend Condition No. 16 to read: "Grand Estates Avenue must align with Glentana Avenue or be off-set a distance acceptable to the Public Works Department." He felt with the development of the plan as it was changed, between now and the final development plan, it might be possible to align the entrance with the one across the street or they may have to off-set it a distance that was acceptable to Public Works. Other than that request, he stated he concurred with Staff recommended conditions.

Commissioner Steve Brown left Chambers at 6:25 p.m.

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

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked the applicant if he agreed with Item Nos. A - J listed in Condition No. 35, as shown in the revised memorandum dated June 14, 2006. Mr. Wilson responded he did. Commissioner Leavitt asked Staff if the requested amendment to Condition No. 16 was acceptable to Staff. Randy Cagle of Public Works was agreeable to the requested amendment.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 16 AMENDED TO READ:**

- 16. GRAND ESTATES AVENUE MUST ALIGN WITH GLENTANA AVENUE OR BE OFF-SET A DISTANCE ACCEPTABLE TO THE PUBLIC WORKS DEPARTMENT.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

2. **T-1264 (25872) CENTENNIAL ESTATES. AN APPLICATION SUBMITTED BY STANDARD PACIFIC HOMES, ON BEHALF OF STANDARD PACIFIC LAS VEGAS, INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT (PROPOSED PUD PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW 68 TRIPLEXES (204 UNITS TOTAL). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND DONNA STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-23-401-002.**

The application was presented by Vicki Adams, Planner who stated, with the approval of the property reclassification, Staff was recommending approval of T-1264 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. This development shall comply with all conditions of approval for ZN-41-06. If ZN-41-06 is not approved by the City Council, this tentative map shall be considered null and void.
3. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Brent Wilson, Orion Engineering and Surveying, 7391 Prairie Falcon Road Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

AYES: Chairman Aston, Commissioners Leavitt, Shull, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

Commissioner Steve Brown returned to Chambers at 6:30

3. **UN-47-06 (25876) XENIUM RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY XENIUM PARTNERS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-818-003.**

Commissioner Dilip Trivedi stated he would be abstaining on this item as he worked on the project.

Commissioner Dilip Trivedi left Chambers at 6:30 p.m.

The application was presented by Vicki Adams, Planner who stated the applicant was requesting several waivers of Development Standards. The waivers include orienting the building away from the corner of the site, reducing the parking lot setback required from 20 feet to 15 feet along Martin Luther King Boulevard, allowing landscape planters in place of foundation landscaping, and decreasing the landscape buffer along the eastern property line from 20 feet to 15 feet. The landscape planters were not considered in place of the foundation landscaping as a waiver was not needed, as it was allowed under the code. Staff does not object to the proposed use at this location; however, Staff was not supporting the waiver request to orient the building away from the corner of the site or to reduce the required parking lot setback. The Development Standards allow for alternatives to foundation landscaping. Staff does not have any objection to the decrease in landscape buffer along the eastern property line, as that is what the applicant to the north of the site had done. Staff is recommending continuance of UN-47-06 to allow the applicant to redesign the site to meet the Commercial Design Standards and Development Standards. Should the Commission determine approval was warranted, the following conditions are recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. UN-47-06 is site specific and non-transferable.
3. The development shall comply with the Commercial Development Standards and Design Guidelines except:
 - a. The required twenty (20) foot buffer area along the eastern property line may be reduced to fifteen (15) feet. Enhanced landscaping, including trees planted fifteen (15) feet on center and 80% ground coverage, not including the trees, must be provided in the reduced buffer area.

3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. Martin Luther King Boulevard is a no cut street.
6. Half streets on Alexander Road to be constructed with flared intersection.
7. Include street names on the map.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.
9. Right-of-way dedication for a flared intersection, including a right turn lane, is required at Alexander Road and Martin Luther King Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
10. Right-of-way dedication and construction of a CAT bus turn-out is required on Martin Luther King Boulevard north of Alexander Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Alexander Road and Martin Luther King Boulevard.
12. "No Parking" signs on Alexander Road and Martin Luther King Boulevard.
13. 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.
14. 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
15. The property owner is required to grant a roadway easement for commercial driveway(s).

16. All off-site improvements must be completed prior to final inspection of the first building.

Tony Amato, 7835 South Decatur, Las Vegas, NV appeared on behalf of the applicant, stating that he had asked for a waiver of the gas canopy. They located the canopy fronting Martin Luther King Boulevard because to the east, the boundary butts up to residential units. He agreed with Staff's comment on the landscape waiver. He asked the setbacks on Alexander be reduced from 20 feet to 15 feet and along Martin Luther King Boulevard, in order to maintain the visual image of how the street would look with the landscaping, the alignment would be the same and asked for the setback to be reduced from 25 feet to 15 feet. The type of materials in the landscaping would be consistent and would have a nice image and effect for the new development. The next waiver was in reference to the landscape planters that were next to the building. The soils report that was completed by Owen Geotechnical recommended keeping the planters at least a minimum of five feet from the building due to expansive soils and requested the waiver be approved and allow the planters to be put next to the building. Mr. Amato also stated he did not have a problem with any of the other conditions listed. He stated he concurred with Condition Nos. 3 through 16.

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

Chairman Aston closed the Public Hearing.

Chairman Aston asked if there was a turn lane on the 60 foot right-of-way. Randy Cagle of Public Works responded Alexander Road was an 80 foot right-of-way and Martin Luther King Boulevard was a 100 foot right-of-way. Mr. Cagle stated there was a flared intersection on Alexander Road. Chairman Aston asked if the flared intersection was for turning. Mr. Cagle responded that was correct. Chairman Aston asked if the flared intersection could be part of the landscape buffer. Ms. Adams stated it could not be part of the landscape.

Commissioner Dean Leavitt stated the only way he would consider approval, was if there was additional landscaping or that mature trees were used. He asked the applicant if what was shown on his computer, was just a rendering or if it was an indication of the type of trees that would be used at the various boundary lines. Mr. Amato stated they tried to stay as close as possible to what was planted in the area. They planned to put those types of trees along that area. He stated they did not have a problem using a more mature tree to give an immediate screening for the site. Commissioner Leavitt stated the rendering showed the eastern boundary was pine trees and on Alexander was palm trees and asked what type of tree he was intending to use on Martin Luther King Boulevard. Mr. Amato showed a rendering with palm trees along Alexander Road, pines trees along the residential boundary and some type of ash tree along Martin Luther King.

Commissioner Harry Shull liked the landscaping shown in the rendering and would be willing to give up some of the landscaping if the applicant used more mature trees, both on Alexander Road and on Martin Luther King Boulevard. He felt moving the canopy was a good idea and did not have a problem with the waivers and the design.

Chairman Aston pointed out Staff had provided a condition for enhanced landscaping, including trees planted 15' on center.

Commissioner Leavitt asked what perimeter landscaping was requested for North Pointe on Martin Luther King Boulevard. Ms. Adams responded North Pointe provided 25 feet of landscaping along Martin Luther King Boulevard with a curvilinear meaning sidewalk; so, they have an enhanced landscape area in the landscape plans that came through, so it was quite dense but he could not say what type of tree they had proposed.

Commissioner Angelo Carvalho agreed with Commissioner Shull and was in support of the application.

Marc Jordan, Planning Manager stated Staff had conditions to read into the record. Robert Eastman, Principal Planner stated Condition No. 3.b would be added to read: "Fifteen feet (15') of landscaping shall be provided along Martin Luther King Boulevard and Alexander Road. Enhanced landscaping containing 36" box trees and twenty foot (20') high palms shall be planted twenty feet (20') on center and 80% ground coverage, not including trees, shall be provided in this landscaped area; 3.c would read: Building orientation may be flipped to allow the gas canopy to be located along Martin Luther King Boulevard."

Commissioner Leavitt asked about the building perimeter landscaping with the planters. Mr. Eastman stated the planters were already allowed in the code and complied with the Design Standards.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF CONDITION NOS. 3.B AND 3.C TO READ:

- 3.B. FIFTEEN FEET (15') OF LANDSCAPING SHALL BE PROVIDED ALONG MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. ENHANCED LANDSCAPING CONTAINING 36" BOX TREES AND TWENTY FOOT (20') HIGH PALMS SHALL BE PLANTED TWENTY FEET (20') ON CENTER AND 80% GROUND COVERAGE NOT INCLUDING TREES, SHALL BE PROVIDED IN THIS LANDSCAPED AREA.

3.C. BUILDING ORIENTATION MAY BE FLIPPED TO ALLOW THE GAS CANOPY TO BE LOCATED ALONG MARTIN LUTHER KING BOULEVARD.

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

4. **UN-48-06 (25882) XENIUM RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY XENIUM PARTNERS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMATIC CAR WASH. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-818-003.**

Commissioner Dilip Trivedi stated he would be abstaining on this item as he worked on the project.

The application was presented by Vicki Adams, Planner who stated Staff had no objection and was recommending approval of UN-48-06 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. UN-47-06 is site specific and non-transferable.
3. The development shall comply with the Commercial Development Standards and Design Guidelines except:
 - a. The required twenty (20) foot buffer area along the eastern property line may be reduced to fifteen (15) feet. Enhanced landscaping, including trees planted fifteen (15) feet on center and 80% ground coverage, not including the trees, must be provided in the reduced buffer area.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. Martin Luther King Boulevard is a no cut street.
6. Half streets on Alexander Road to be constructed with flared intersection.
7. Include street names on the map.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.

9. Right-of-way dedication for a flared intersection, including a right turn lane, is required at Alexander Road and Martin Luther King Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
10. Right-of-way dedication and construction of a CAT bus turn-out is required on Martin Luther King Boulevard north of Alexander Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Alexander Road and Martin Luther King Boulevard.
12. "No Parking" signs on Alexander Road and Martin Luther King Boulevard.
13. 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.
14. 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
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. All off-site improvements must be completed prior to final inspection of the first building.

Tony Amato, 7835 South Decatur, Las Vegas, NV appeared on behalf of the applicant asking the Commission to approve UN-48-06 with the same waivers as were approved on Item No. 3, UN-47-06.

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 THE ADDITION OF CONDITION NOS. 3.B AND 3.C TO READ:

- 3.B. FIFTEEN FEET (15') OF LANDSCAPING SHALL BE PROVIDED ALONG MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. ENHANCED LANDSCAPING CONTAINING 36" BOX TREES

AND TWENTY FOOT (20') HIGH PALMS SHALL BE PLANTED TWENTY FEET (20') ON CENTER AND 80% GROUND COVERAGE NOT INCLUDING TREES, SHALL BE PROVIDED IN THIS LANDSCAPED AREA.

- 3.C. BUILDING ORIENTATION MAY BE FLIPPED TO ALLOW THE GAS CANOPY TO BE LOCATED ALONG MARTIN LUTHER KING BOULEVARD.

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

Commissioner Dilip Trivedi returned to Chambers at 6:50 p.m.

5. **UN-52-06 (25877) SUN WEST BANK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUN WEST BANK, ON BEHALF OF SAHARA VEGAS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (BANK). THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-05-716-005.**

The application was presented by Vicki Adams, Planner, who stated Staff had no objection to the proposed use and was recommending approval of UN-52-06 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 meet the requirements of the Commercial Development Standards and Design Guidelines.

David Ellerton, 203 East Charleston Boulevard, Las Vegas, NV appeared on behalf of the applicant stating he concurred with Staff recommendation.

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

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 10 was heard next.

6. **AMP-31-06 (25862) LONE MOUNTAIN & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PHILIP J. COHEN, ON BEHALF OF THE COHEN 1969 TRUST, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-402-004.**

It was requested by the applicant to continue AMP-31-06 to July 12, 2006.

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

- **Jean Scott, 3001 Saddle Hills Court, North Las Vegas, NV 89031** declined to comment at this time.
- **Eric Young, 2531 Parasail Point, north Las Vegas, NV 89031**, president of an HOA in the area of the proposed project, stated he had contacted about 80 people who lived in or near the proposed area of the zone change and wanted the Commission to know they strongly support the recommendation of Staff to deny the request and are expressing strong opposition to any kind of commercial classification that would envision a super market in that area.
- **Robert Riemer, 2604 Bahama Point Avenue, North Las Vegas, NV 89031** stated he supported Staff's decision to deny the request. The current uses were incorrect for the property; however, a medical office facility, book store or cultural amenity would be welcome.
- **Michael Cruz, 3219 Verde Way, North Las Vegas, NV 89031** stated he lived at the end of the cul-de-sac where the commercial development was proposed and was opposed to the project.
- **Larry Kazurk, 3211 Verde Way, North Las Vegas, NV 89031** declined to comment at this time.
- **Arthur Malone, 3203 Verde Way, North Las Vegas, NV 89031** declined to comment at this time.
- **Ivette Erle, 4818 Lone Vista Way, North Las Vegas, NV 89031** stated she was opposed.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

7. **ZN-40-06 (25863) LONE MOUNTAIN & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PHILIP J. COHEN, ON BEHALF OF THE COHEN 1969 TRUST, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-402-004.**

It was requested by the applicant to continue ZN-40-06 to July 12, 2006.

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

- **Jean Scott, 3001 Saddle Hills Court, North Las Vegas, NV 89031** declined to comment at this time.
- **Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031**, president of an HOA in the area of the proposed project, stated he had contacted about 80 people who lived in or near the proposed area of the zone change and wanted the Commission to know they strongly support the recommendation of Staff to deny the request and are expressing strong opposition to any kind of commercial classification that would envision a super market in that area.
- **Robert Riemer, 2604 Bahama Point Avenue, North Las Vegas, NV 89031** stated he supported Staff's decision to deny the request. The current uses were incorrect for the property; however, a medical office facility, book store or cultural amenity would be welcome.
- **Michael Cruz, 3219 Verde Way, North Las Vegas, NV 89031** stated he lived at the end of the cul-de-sac where the commercial development was proposed and was opposed to the project.
- **Larry Kazurk, 3211 Verde Way, North Las Vegas, NV 89031** declined to comment at this time.
- **Arthur Malone, 3203 Verde Way, North Las Vegas, NV 89031** declined to comment at this time.
- **Ivette Erle, 4818 Lone Vista Way, North Las Vegas, NV 89031** stated she was opposed.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

8. **AMP-32-06 (25867) MARBELLA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MM GROUP, LLC, ON BEHALF OF RICHARD & FELICIA POWELL AND EAGLE 7 PROPERTIES, LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO HDR HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND AZURE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-103-002 AND 124-26-103-004.**

It was requested by the applicant to continue AMP-32-06 to June 28, 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 JUNE 28, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

9. **ZN-42-06 (25867) MARBELLA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MM GROUP, LLC, ON BEHALF OF RICHARD & FELICIA POWELL AND EAGLE 7 PROPERTIES, LLC, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT AND A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND AZURE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-103-002 AND 124-26-103-004.**

It was requested by the applicant to continue ZN-42-06 to June 28, 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 JUNE 28, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 14 was heard next.

10. UN-53-06 (25883) ADVANTAGE CHECK CASHING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROBERT FRIMENT, ON BEHALF OF DONEL DEVELOPMENT, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A DEFERRED DEPOSIT LOAN FACILITY. THE PROPERTY IS LOCATED AT 2657 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-302-005.

The application was presented by Marc Jordan, Planning Manager who stated the Redevelopment Staff submitted a memorandum indicating they were recommending denial of UN-53-06, as the proposed business was not a use that would add to the general well-being of the neighborhood and that one of the objectives of the Redevelopment Area was for the strengthening of retail office and other commercial and residential functions and they do not believe this type of business would add to that objective; therefore, they were recommending denial. In addition, the applicant has given a survey, which shows they meet the separation requirement from the residential neighborhood; however, it was measured to the front door; therefore, Staff was not able to verify that the entire establishment complied with the 200 foot separation. By Staff's estimation, looking at the footprint of the suite, he thought they were approximately 800 feet square feet in size and one of the ordinance requirements for that type of establishment was that they must be a minimum of 1500 square feet in size. The applicant also indicated in a revised letter of intent that they also want auto title loans to be part of the use permit. Since the letter of intent was submitted after the public hearing notices were sent out, the notification did not include that, so that use could not be considered as part of the application at this time. Staff was recommending denial of UN-53-06. If the Commission desires approval, the following conditions were recommended:

1. That the special use permit is site specific and non-transferable;
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
3. That any expansions to the proposed use shall be subject to Planning Commission review and approval.
4. **The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to:**
 - a. **providing a minimum of 22 parking spaces.**

Robert Frimet, 9040 Rusty Rifle, Las Vegas, NV 89143 stated in April, he went to apply for a check cashing license with the Business License Department, knowing there was a moratorium prohibiting payday loans and deferred deposit activity in the City of North Las Vegas. He stated he was a check casher and had been in the business for 16 years. He

was told he could not apply for a check cashing license because there was a moratorium and was told if he did not agree, to see the City Attorney. He went to the City Attorney who agreed he was not doing payday loans so he could apply. The Business License Department specified on the license there was no deferred deposits and no payday loans and he signed it. He signed a three year lease and when he went to the Planning Department for a sign-off, he was told he was a special use. He indicated he was licensed with the Division of Financial Institutions as a check casher and was told he had to get a special use permit. He submitted his application for check cashing along with a letter of intent indicating he would only offer check cashing and no payday loans. Approximately two weeks later, he received a phone call indicating the moratorium had been lifted on payday loans and deferred deposits and was told he had to hire a land surveyor to tell him that he was within a certain distance from another location, which he did. He asked since he was complying with the distance requirement, if he could go ahead and do payday loans and was told it was okay. He submitted a new letter of intent indicating he wanted to do payday loans and check cashing. On May 25, the Redevelopment Staff indicated there were too many of those type of businesses in the area and he was not doing payday loans. He stated he met the distance requirement and thought his location was 800 or 900 square feet in size. He was 200 feet from residential and was further than 1,000 feet from another financial institution. Mr. Frimet explained how his business operated and felt his services would be an asset to the community. He stated if he was not granted payday loans or title loans, he was okay with that, as he could operate his business without them.

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

Chairman Aston closed the Public Hearing.

Marc Jordan, Planning Manager, for clarification, asked the applicant if he was not doing deferred deposit or title loans. Mr. Frimet responded in his initial application he was just going to do check cashing but was told he could perform the deferred deposit and title loans. He was leaving it up to the Commission to determine what he would be allowed to do.

Nick Vaskov, Deputy City Attorney stated the issue was, if the applicant was going to offer deferred deposit service, which essentially meant he was making any type of a loan based on cashing a check, then he would be required to meet the new regulations, which would include the 1500 feet minimum floor area, would include the 200 foot separation requirement, and the 2500 foot separation requirement. If the applicant was only offering check cashing services, in the strict sense, where there was a flat fee or percentage fee of one percent, and no loan was made, that was permissible and he did not have to meet the new requirements. Mr. Vaskov stated, if the applicant desired to move forward, a condition would need to be added saying that no deferred deposit services would be added as that term was defined under our Code and State Law. Also, as explained by Staff, no auto title loans would be allowed.

Mr. Frimet stated he was okay with check cashing only, as that was his primary business.

Chairman Aston asked the applicant if he wanted a check cashing facility or if he also wanted payday loans. Mr. Frimet stated he could not do payday loans because the facility was not large enough, so he was agreeable to check cashing only. Chairman Aston asked if a condition needed to be added.

Mr. Jordan stated condition No. 4 would be deleted, as it was not required and a new Condition No. 4 would be added to read: "Auto title loans, deferred deposit loans and short term loan operations are prohibited from operating at this location."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 4 DELETED AND A NEW CONDITION NO. 4 ADDED TO
READ:

4. AUTO TITLE LOANS, DEFERRED DEPOSIT LOANS AND SHORT
TERM LOAN OPERATIONS ARE PROHIBITED FROM OPERATING
AT THIS LOCATION.

FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Mr. Jordan stated since the business was located in the North Redevelopment area, the application will be forwarded to the Redevelopment Agency for final consideration.

11. VN-16-06 (25864) GONZALEZ (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SILVIA GONZALEZ, PROPERTY OWNER, FOR A VARIANCE IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW AN 8-FOOT REAR YARD SETBACK (WHERE 15 FEET IS REQUIRED). THE PROPERTY IS LOCATED AT 3519 BASSLER STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-12-310-043.

The application was presented by Marc Jordan, Planning Manager stating the home was purchased with the addition already added to it and later found the addition did not meet current setbacks; however, because there was nothing irregular about the property, it did not comply with any hardship requirements that Staff was required to look at either in State Law or under Title 17. The house was built properly, meeting the setbacks, but the room addition was built illegally, not complying with the setbacks; therefore, Staff, under the City's ordinance and under State Law was recommending VN-16-06 be denied. If the Commission determined approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
2. That the room addition of the home shall be in accordance with the site plan submitted herein and shall maintain a minimum eight-foot (8.00') rear yard setback. All other setbacks shall be in accordance with the R-1, Single Family Residential District.

Silvia Gonzalez, 3519 Bassler Street, North Las Vegas, NV 89030 stated she understood Staff's recommendation.

Chairman Jay Aston asked if the room addition already existed when the home was purchased. Ms. Gonzalez responded it did.

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

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt stated this was an unfortunate situation for the new property owner but felt it was going to become a trend that would have to be dealt with. He stated as long as the applicant made sure the structure was up to Code, he did not have a problem approving the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

12. **AMP-30-06 (25836) PICERNE @ CENTENNIAL & N. 5TH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT CORPORATION, ON BEHALF OF THE REYES FAMILY TRUST, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MHDR MEDIUM HIGH DENSITY RESIDENTIAL TO VHDR VERY HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT 230 EAST REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-27-503-005.**

Item Nos. 12 and 13 were presented together.

Chairman Jay Aston left Chambers at 7:16 p.m.

The application was presented by Marc Jordan, Planning Manager who stated the application did not comply with the guidelines established for Very High Density Residential, there have been recent applications that changed the areas to the north, east and west of the site to Very High Density Residential which was supported by Staff and that this was the one hold-out parcel. Staff believed it was appropriate to rezone the property and amend the Comprehensive Plan, as it would be consistent with the surrounding land uses and would also be able to be integrated into the future development of that property; therefore, Staff was recommending approval of AMP-30-06 and ZN-43-06.

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

Commissioner Dean Leavitt opened the Public Hearing. There was no public participation.

Commissioner Leavitt closed the Public Hearing.

Chairman Aston returned to Chambers at 7:18 p.m.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

13. **ZN-43-06 (25861) PICERNE @ CENTENNIAL & N. 5TH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT CORPORATION, ON BEHALF OF THE REYES FAMILY TRUST, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT 230 EAST REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-27-503-005.**

Item Nos. 12 and 13 were presented together.

The application was presented by Marc Jordan, Planning Manager who stated the application did not comply with the guidelines established for Very High Density Residential, there have been recent applications that changed the areas to the north, east and west of the site to Very High Density Residential which was supported by Staff and that this was the one hold-out parcel. Staff believed it was appropriate to rezone the property and amend the Comprehensive Plan, as it would be consistent with the surrounding land uses and would also be able to be integrated into the future development of that property; therefore, Staff was recommending approval of AMP-30-06 and ZN-43-06.

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

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

Chairman Aston closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 15 was heard next.

14. **UN-44-06 (25818) ALEXANDER & MLK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GHASSAN SHAMOUN, ON BEHALF OF ZUHAIR ZORA AND GHASSAN SHAMOUN, PROPERTY OWNERS, FOR A USE PERMIT IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (PROPOSED C-1 NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT 4009 NORTH MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-410-011.**

It was requested by the applicant to continue UN-44-06 to November 8, 2006.

ACTION: CONTINUED TO NOVEMBER 8, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 17 was heard next.

15. UN-45-06 (25799) PREMIER TINT & GRAPHICS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PREMIER TINT AND GRAPHICS, ON BEHALF OF SIMMONS M.P., LLC, ET AL, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOTIVE SERVICE FACILITY (WINDOW TINTING / GRAPHICS). THE PROPERTY IS LOCATED AT 5465 SIMMONS STREET, SUITE #6. THE ASSESSOR'S PARCEL NUMBER IS 124-32-113-005.

The application was presented by Marc Jordan, Planning Manager who stated the site was developed in compliance with the Commercial Design Standards. Staff had no objections to the use at the site and was recommending approval of UN-45-06; however, there were some amendments to the conditions. Condition No. 3 would be amended to read: "That outside overnight parking of vehicles is prohibited." Condition No. 5 would be amended to read: "That the subject special use permit is limited to the installation of non-mechanical auto accessories." Since the site was not developed for lube and facilities, they do not want to see the use permit transferred for that type of use. Condition No. 6 would be deleted as it was not necessary. The original recommended conditions of approval are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances
2. That all work shall be performed within a building;
3. That no outside over-night parking of vehicles awaiting repairs shall be permitted unless screened in accordance with the requirements in the Zoning Ordinance;
4. That a minimum two parking stalls per bay, plus one per employee, shall be identified for the subject automobile service use;
5. That the subject special use permit is limited to the functions referred to in Title 17 as the definition of "automobile service facility;"
6. That the applicant must abide by all conditions of the approved traffic study including the cost participation for traffic signals. The cost participation for this project is now past due. For additional information contact Sonya Spears, Management Analyst, at 633-1975.

Nick Williams, owner of Premier Window Tinting stated he concurred with Staff recommendation.

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

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 6 AND CONDITION NOS. 3 AND 5 AMENDED TO READ:

3. THAT OUTSIDE OVERNIGHT PARKING OF VEHICLES IS PROHIBITED.
5. THAT THE SUBJECT SPECIAL USE PERMIT IS LIMITED TO THE INSTALLATION OF NON-MECHANICAL AUTO ACCESSORIES.

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

16. UN-46-06 (25875) DRY CREEK INDOOR GOLF (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DRY CREEK INDOOR GOLF, ON BEHALF OF CENTENNIAL 5 DEVELOPMENT, 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 AN INDOOR RECREATIONAL FACILITY. THE PROPERTY IS LOCATED AT 150 EAST CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-812-002.

The application was presented by Vicki Adams, Planner who stated the Business License Division indicated the request for a license for the sale of beer and wine would be subject to denial because the proposed use does not meet the definition of a restaurant as outlined in Title 5; therefore, Staff was recommending denial of UN-46-06. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the simulators are enclosed and made separate from on-premise liquor service areas and are at least 15 feet from gaming devices or areas.
3. That a suitable kitchen facility is established that meets the definition of restaurant as defined by the Business License Division.
4. Applicant must abide by all conditions of the approved traffic study including the cost participation for traffic signals. The cost participation for this project is now past due. For additional information contact Sonya Spears, Management Analyst, at 633-1975.

Pete Sorensen, owner of Dry Creek Indoor Golf stated this was a new type of business in Southern Nevada, and were popular throughout the country. He explained his business was unique, as it allowed a place for any skill level of golfer to learn how to golf. The facility was 3,000 square feet with four full-size golf simulators. Due to the length of time it took for a round of golf, customers usually order food and drinks. There was a full menu offered with a variety of foods. The kitchen was 120 square feet with ample storage, counter space, refrigeration, freezer and sink compartments and meet the Health District requirements for a full kitchen, with two convection ovens, a hot dog roller, two refrigerators, a freezer, hand washing sink, a three tub sink, stainless steel counter tops, stainless steel five tier rack and the kitchen was more than adequate to prepare and cook a variety of foods. There was ample seating and tables to accommodate more than 45 people. His customer base was predominately male, 25 years and older or avid golfers.

Children were not allowed without an adult and the area was set-up to be easily monitored by any staff member. Only one person was allowed in the simulator and no food or drinks were allowed near the machines. The business was currently classified as a health and fitness facility, which was accurate and he felt he had met all conditions to obtain a special use permit, but was willing to correct any issues.

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

- **Harvey Ferber, 1504 Lazy Hill Ranch, North Las Vegas, NV** stated he was usually against taverns but in this instance he was in support of the application, adding he took his grandson there and the difference between this establishment and taverns and saloons, as their primary focus was not on gambling and drinking.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked Staff what the applicant needed to meet the requirements of a restaurant. Ms. Adams responded they must have a full kitchen, which included ovens to cook the food other than convection ovens, which just heat food. They also have amusement machines in a game room, which they must have separated from the area where the beer and wine would be served. Commissioner Brown asked if they could have a bar area. Ms. Adams deferred the question to the Attorney.

Nick Vaskov, Deputy City Attorney stated Business Licensing's problem was they did not feel the kitchen met either the definition or the intent of a restaurant. In effect, you can only get a beer and wine license if you were operating a restaurant in conjunction. The applicant was seeking a beer and wine license and whether they could seek a different license such as a bar, he was not sure. He stated when he saw the application, he went to Business Licensing to find out what the problem was. They do not feel a restaurant was being provided.

Chairman Aston asked if there were uses other than a restaurant that the applicant could use. Deputy City Attorney Vaskov responded he could not give an opinion on whether they could apply for another type of alcohol license as he was not familiar with that portion of the code.

Commissioner Brown asked if the application could be approved or if it would be a violation of Title 5 for allowing it. Ms. Adams responded Business License would not give the applicant a license to sell beer and wine. Commissioner Brown stated he would support the application if there was a way it could be done.

Mr. Sorensen asked if there was something that could be corrected so the license could be issued. Deputy City Attorney Vaskov responded he did not want to render an opinion, but in the view of Business Licensing, they would say if they were operating a restaurant, they would be able to get a special use permit, but until they start acting like a restaurant, they would not be able to get the license.

Chairman Aston suggested the application be continued so the applicant would work out the restaurant issues with Business Licensing.

Commissioner Dean Leavitt stated he could support the application and suggested, if the Health District rated them as a restaurant, they should get some type of certification from them, stating they were a restaurant and take that to Business License.

Commissioner Brown pointed out that Condition No. 3 covered the applicant having a suitable kitchen area in order to obtain the business license.

Commissioner Dilip Trivedi asked the applicant if they had approached the Health District. Mr. Sorensen responded they had and the Health District standards for a snack bar or kitchen are the same.

Deputy City Attorney Vaskov stated he felt the applicant could work out the issues with Business License and he would help him with that.

Ms. Adams stated if the application was to be approved, Condition No. 4 should be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
THE DELETION OF CONDITION NO. 4

MOTION: Commissioner Brown

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 18 was heard next.

17. **UN-49-06 (25878) SUPER PAWN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CASH AMERICA, ON BEHALF OF CENTENNIAL LOSEE CENTER, LLC, AND ST. MARKS PLACE, LLC, PROPERTY OWNERS, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A PAWN SHOP. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-24-401-001 AND 124-24-401-002.**

It was requested by the applicant to continue UN-49-06 to June 28, 2006.

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

- **Harvey Ferber, 1504 Lazy Hill Road, North Las Vegas, NV** declined to comment at this time.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 28, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 23 was heard next.

18. **VAC-08-06 (25873) MONTEVERDI (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PULTE HOMES, ON BEHALF OF R. S. AND MARTHA S. BHATHAL, PROPERTY OWNERS, TO VACATE A 30-FOOT-WIDE PORTION OF RANCH HOUSE ROAD BETWEEN MONTGOMERY STREET AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-201-002 AND 124-30-201-003.**

The application was presented by Vicki Adams, Planner who stated the vacation was to comply with the conditions of approval for T-1248. Staff mentioned that the map attached to the packet was incorrect; however, the Public Hearing Notice was correct. Staff was recommending approval of VAC-08-06 subject to the following condition:

1. The vacation is required to record concurrent with the final map. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating she concurred with Staff recommendation. Ms. Lazovich clarified the vacation ran the distance between Montgomery Street all the way to Decatur Boulevard.

Marc Jordan, Planning Manager clarified the map in the Staff Report was incorrect, but the map that went out with the Public Hearing Notices was the correct map.

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

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

19. VN-17-06 (25893) BROOKS ST. BUSINESS PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LESLIE H. SMITH, ON BEHALF OF CIBOLA, INC., PROPERTY OWNER, FOR A VARIANCE IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ZERO-FOOT BUILDING SETBACK ALONG I-15, WHERE 20 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF FORT SUMTER DRIVE AND BROOKS AVENUE.

The application was presented by Vicki Adams, Planner who stated the zoning ordinance required a minimum of a 20 foot setback and the applicant was requesting zero. The Planning Commission previously approved the same request in January, 2004. The variance, as well as the associated use permit, have since expired; therefore, the applicant was requesting the variance and the use permit to be approved at this time. It should be noted that the site plan and building size have changed from the initial request; therefore, even though similar requests were approved in the past, the relevant circumstances were different. In 2004, Staff recommended denial of both the use permit for an automobile service facility and the related variance request. Staff still believed the auto service facility was inappropriate at this location. If a special use permit for the service facility was withdrawn and a more appropriate use proposed, Staff would reconsider the variance request on its own merits. If the Commission determined approval was warranted, the following conditions were recommended:

1. This variance is site-specific and non-transferable.
2. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. The setback from the I-15 right-of-way shall be reduced from 20 feet to zero feet.
4. The development of this site shall be in compliance with the conditions approved for UN-40-06.

Leslie Smith, 4711 East Flamingo Road, Las Vegas, NV stated when the variance and use permit were approved previously, he was told there was no time limit. He stated he would agree with the same conditions previously approved.

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

- **Jimmie Gantt, 1304 Brooks Avenue, North Las Vegas, NV 89030** stated he was opposed and asked the Commission to deny the application.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Chairman Aston

AYES: Chairman Aston, Commissioners Shull, Brown, Trivedi, and Carvalho

NAYS: Commissioner Leavitt

ABSTAIN: None

20. UN-40-06 (25637) BROOKS ST. BUSINESS PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LESLIE H. SMITH, ON BEHALF OF CIBOLA, INC., PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF FORT SUMTER DRIVE AND BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-14-103-001.

The application was presented by Vicki Adams, Planner who stated, as previously noted, Staff was recommending denial of UN-40-06, as there was an established R-1 residential neighborhood to the east of the subject site and Staff believed the proposed use was inappropriate for the site. Should the Commission determine approval was warranted, the following conditions were recommended:

1. That this special use permit is site specific and non-transferable; and
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
3. That the development of this site be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to providing a 20-foot landscape buffer along the eastern property line and a building designed in compliance with said standards; and
4. That exterior roof ladders shall not be permitted. Access to the roof shall be from within the building; and
5. That exterior drain scuppers shall not be permitted; and
6. That the hours of operation shall be limited to 9:00 am to 6:00 pm, Monday through Friday; and
7. That outside overnight parking of vehicles shall not be permitted. Overnight shall be deemed from 6:00 pm to 9:00 am; and
8. That all work shall be performed within the building.

9. That a new decorative screen wall be provided along the eastern property line. The wall shall be decorative on both sides and shall be between six and eight feet in height, as measured from the rear yards of the adjacent residential dwellings. If the adjacent residential property owners do not consent to the construction of the wall straddling the property line, then an eccentric "L" footing shall be used and the wall shall be constructed entirely on the subject premises.
10. That locking pedestrian gates be provided between the building and the sound wall along I-15 to prevent pedestrians from accessing the rear of the building.
11. That, if necessary, the number of service bays and/or total building square footage of the auto service facility be reduced to ensure compliance with all applicable codes and ordinances; and
12. That all undeveloped portions of this site shall be landscaped in accordance with code requirements.
13. That, if VN-17-06 is denied, this application shall be considered null and void. If VN-17-06 is approved, this development shall comply with all conditions of VN-17-06.
14. That the billboard on the property be removed or the building be redesigned so no portions of the billboard are above or over any structures.
15. That lighting, in compliance with the requirements set forth in the North Las Vegas Municipal Code, be provided for all unsecured outdoor areas during overnight hours.
16. That parking be provided in accordance with the requirements set forth in the Zoning Ordinance.
17. That no residential uses are permitted at this location.
18. That any portions of the building that exceed the height of the sound wall along Interstate-15 be treated in the same manner as those visible from Brooks Street. Visibility shall be determined from the highest elevation within 100 feet of the adjacent northbound travel lane or Cheyenne Avenue off-ramp. A sight-line graphic illustration shall be submitted in conjunction with the building permit and shall be stamped by a Nevada-licensed architect or engineer.
19. That all on-premise free-standing signage be limited to monument signs not greater than eight feet (8.00') in height.

20. That the height of the parapet, cornice and / or roof line not exceed fifteen feet (15.00') in height. No internal stairwells shall be permitted and the building shall only be single-story.
21. The property owner is required to grant a roadway easement for commercial driveway(s).
22. The property owner is required to sign a restrictive covenant for utilities.
23. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
24. Approval of a drainage study is required prior to submittal of the civil improvement plans.
25. Half street improvements for Brooks Avenue is required.
26. This project shall conform to the previously-approved conditions for UN-87-03.
27. The actual driveway number and location are subject to the review and approval by the City of North Las Vegas Traffic Engineer. All driveways must meet City of North Las Vegas standards for design and separation.

Chairman Jay Aston opened the Public Hearing. The following comments were carried forward from Item No. 20 as follows:

- **Jimmie Gantt, 1304 Brooks Avenue, North Las Vegas, NV 89030** stated he was opposed and asked the Commission to deny the application.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

AYES: Chairman Aston, Commissioners Shull, Trivedi, and Carvalho

NAYS: Commissioners Leavitt and Brown

ABSTAIN: None

21. **UN-50-06 (25880) SAM'S CLUB NLV (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KIMLEY-HORN & ASSOCIATES, INC., ON BEHALF OF SAM'S WEST, INC., PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING FACILITY. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-201-003, 139-01-201-027, 139-01-201-028, 139-01-201-029, 139-01-201-031, 139-01-201-032, 139-01-201-033 AND 139-01-201-034.**

The application was presented by Robert Eastman, Principal Planner who stated the site contained eight separate parcels, was just short of 33 acres in size and was dominated by a Sam's Club and Lowe's Home Improvement Center with subordinate retail uses. The proposed use permit was for one of the subordinate uses. Item No. 22, UN-51-06 was a related item, a convenience store with gas pumps. In the revised memorandum dated June 14, 2006, it appeared the site design problems noted by Public Works had been resolved; therefore, Staff was recommending approval of UN-50-06 and UN-51-06. UN-50-06 was subject to the following conditions:

1. This development shall comply with all conditions of SPR-31-05 and T-1186.
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. Five parking spaces shall be provided specifically dedicated to the car wash use. Four of those parking spaces are intended to serve the customers and one is intended for the employee/attendant. Until such time that (if) vacuum facilities are proposed, the five required parking stalls may be in conjunction with the Sam's Club parking lot. If or when vacuum facilities are requested, four new parking stalls would be required.
4. One of the following trash collection methods shall be provided:
 - a. One trash enclosure shall be provided adjacent to, or in the immediate vicinity of, the four customer parking spaces. The trash enclosure shall be designed to match the Sam's Club approved design and shall allow for customer access; or
 - b. At least one free-standing trash receptacle shall be provided adjacent to the car wash facility. Said trash receptacle shall not interfere with pedestrian access routes, shall not be in-lieu of any required landscaping, shall be designed to compliment or match the Sam's Club building and shall be secured to the ground.

5. No vacuums shall be permitted. If the applicant should desire vacuum facilities at a later time, then a review of conditions shall be required. The applicant at that time would be required to provide a revised site plan and have that site plan reviewed and approved by the Planning Commission following a public hearing. No more than two vacuums would be permitted, but each vacuum may serve two parking stalls.
6. Any additional structures (e.g., shade canopies, etc.) shall be designed to match the Sam's Club building.
7. Any wall of the car wash building that faces east, west or south, with the exception of the entrances and exits, shall be 100% opaque walls. Exterior lights may be allowed, provided said lights are screened by a soffit, are not flashing and do not direct light away from the building.
8. The construction of the car wash may be in conjunction with Sam's Club, but the issuance of a certificate of occupancy, or final inspection, shall not occur prior to a certificate of occupancy has been issued for Sam's Club.
9. Exterior downspouts are not permitted.
10. Access to the roof shall be from within the building. Exterior roof ladders are not permitted.
11. Site must conform to the approved traffic study.
12. Fence installed at the Channel ROW line, typically is also the site property line. Please verify the location of the site property line.
13. Applicant must abide by all conditions of the approved traffic study including the cost participation for traffic signals. The cost participation for this project is now past due. For additional information contact Sonya Spears, Management Analyst, at 633-1975.

Paul Larson, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant and asked Staff if Condition No. 12 of the original conditions had been deleted. Staff indicated it had been deleted. Mr. Larson stated he concurred with Staff recommendation.

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

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

- 22. UN-51-06 (25881) SAM'S CLUB NLV (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KIMLEY-HORN & ASSOCIATES, INC., ON BEHALF OF SAM'S WEST, INC., PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-201-003, 139-01-201-027, 139-01-201-028, 139-01-201-029, 139-01-201-031, 139-01-201-032, 139-01-201-033 AND 139-01-201-034.**

Comments from Item No. 21 were carried forward as follows:

The application was presented by Robert Eastman, Principal Planner who stated the site contained eight separate parcels, was just short of 33 acres in size and was dominated by a Sam's Club and Lowe's Home Improvement Center with subordinate retail uses. The proposed use permit was for one of the subordinate uses. Item No. 22, UN-51-06 was a related item, a convenience store with gas pumps. In the revised memorandum dated June 14, 2006, it appeared the site design problems noted by Public Works, had been resolved; therefore, Staff was recommending approval of UN-50-06 and UN-51-06. UN-51-06 was subject to the following conditions:

1. This development shall comply with all conditions of SPR-31-05 and T-1186.
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. One parking space shall be provided specifically intended for the employee / attendant. Said parking space may be located within the existing Sam's Club parking lot, but must be designated as "Reserved" for the employee.
4. Any additional structures (e.g., shade canopies, etc.) shall be designed to match the Sam's Club building.
5. The kiosk and gas canopy are required to match Sam's Club in design and materials. The elevations submitted herein are not approved.
6. All lights on the underside of the gas canopy shall be recessed can lights and shall direct light downward.
7. The gas canopy shall be included in the building permit application packet for the kiosk and / or car wash.

8. The construction of the gas pumps facility and kiosk may be in conjunction with Sam's Club, but the issuance of a certificate of occupancy, or final inspection, shall not occur prior to a certificate of occupancy having been issued for Sam's Club.
9. The HVAC condenser unit shall be screened by a decorative masonry wall designed to match the building, including but not limited to the wainscot.
10. Exterior downspouts are not permitted.
11. Access to the roof shall be from within the building. Exterior roof ladders are not permitted.
12. Site must conform to the approved traffic study.
13. Fence installed at the Channel ROW line, typically is also the site property line. Please verify the location of the site property line.
14. Applicant must abide by all conditions of the approved traffic study including the cost participation for traffic signals. The cost participation for this project is now past due. For additional information contact Sonya Spears, Management Analyst, at 633-1975.

***Paul Larson, 300 South 4th Street, Las Vegas, NV 89101** appeared on behalf of the applicant and asked Staff if Condition No. 12 of the original conditions had been deleted. Staff indicated it had been deleted. Mr. Larson stated he concurred with Staff recommendation.*

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

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 26 was heard next.

23. **AMP-21-06 (25356) NORTH 5TH & DEER SPRINGS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ACACIA PROPERTIES, LLC AND NGA #2, LLC ET AL, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL AND MDR MEDIUM DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DEER SPRINGS WAY AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-101-001, 124-23-201-001 AND 124-23-201-002.**

It was requested by the applicant to continue AMP-21-06 to July 12, 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 JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

24. **AMP-22-06 (25360) NORTH 5TH & DEER SPRINGS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ACACIA PROPERTIES, LLC AND NGA #2, LLC ET AL, PROPERTY OWNERS, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS, TO REMOVE DORRELL LANE BETWEEN NORTH FIFTH STREET AND DONNA STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-101-001, 124-23-201-001 AND 124-23-201-002.**

It was requested by the applicant to continue AMP-22-06 to July 12, 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 JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

25. **ZN-33-06 (25357) NORTH 5TH & DEER SPRINGS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ACACIA PROPERTIES, LLC AND NGA #2, LLC ET AL, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT, A C-2 GENERAL COMMERCIAL DISTRICT, AND AN O-L OPEN LAND DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 339,818 SQUARE FEET OF COMMERCIAL RETAIL AND 1,204 UNITS OF MULTI-FAMILY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DEER SPRINGS WAY AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-101-001, 124-23-201-001 AND 124-23-201-002.**

It was requested by the applicant to continue ZN-33-06 to July 12, 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 JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 30 was heard next.

26. **SPR-21-05 (25707) METL-SPAN. AN APPLICATION SUBMITTED BY METL-SPAN, ON BEHALF OF OPERATING ENGINEERS PENSION TRUST, PROPERTY OWNER, FOR A REVIEW OF CONDITIONS OF A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE REQUIRED 8-FOOT-HIGH SCREEN WALL TO BE CONSTRUCTED OF METAL PANELS, WHERE CONCRETE TILT-UP IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ENGINEERS WAY AND LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-511-002.**

The application was presented by Robert Eastman, Principal Planner who stated the applicant was requesting to waive the Industrial Design Standards to allow them to use a metal based screening material which was made on site in lieu of the concrete tilt-up wall that was previously required. The applicant, in the letter of intent, stated that the panel being proposed was not visible from any public right-of-way and conformed to the same appearance as the walls in the golden Triangle Industrial area. Therefore, Staff was recommending Condition No. 3 be amended as listed and Condition No. 6 be added to satisfy Fire Department requirements for the site. The conditions are as follows:

3. That an eight (8) foot high concrete tilt-up wall, designed to match the building, shall be constructed along the west side of the storage area adjacent to Engineers Way; and an eight (8) foot high screen wall consisting of metal panels, designed to match the building as shown on Exhibit 'A', shall be constructed along the east side and south side of the storage area, subject to staff review and approval.
6. Gates restricting traffic across access lanes shall be in accordance with Fire Code requirements.

Bill Curran of Curran & Parry, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant along with George Rogers, the project architect. He stated they had a sample of the product available and also stated he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

27. T-1263 (25780) COLEMAN AIRPARK II & III. AN APPLICATION SUBMITTED BY COLEMAN AIRPARK II, LLC, AND COLEMAN AIRPARK III, LLC, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN M-1 BUSINESS PARK INDUSTRIAL DISTRICT TO ALLOW ONE (1) INDUSTRIAL LOT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CLAYTON STREET AND BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-17-601-003.

The application was presented by Robert Eastman, Principal Planner who stated the application was in conformance with the zoning ordinance and there were no objections from other departments; therefore, Staff was recommending T-1263 be approved with Condition No. 7 amended to read: "Driveways along Evans Avenue shall be located per site plan SPR-03-06, as amended and approved March 8, 2006. The original recommended conditions are as follows:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of SPR-03-06;
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - A. Coleman Street
 - B. Clayton Street
 - C. Evans Avenue
 - D. Brooks Avenue
6. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
7. Driveways along Evans Avenue will not be permitted as existing residences are fronting the street.

8. Applicant must abide by all conditions of the approved traffic study including the cost participation for traffic signals. The cost participation for this project is now past due. For additional information contact Sonya Spears, Management Analyst, at 633-1975.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. All recorded easements per PM 89-91 must be shown on subsequent submittals.
12. 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.
13. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
14. All off-site improvements must be completed prior to final inspection of the first building.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating she concurred with Staff recommendation and agreed to the amendment of Condition No. 7.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 7 AMENDED TO READ:

7. DRIVEWAYS ALONG EVANS AVENUE SHALL BE LOCATED PER
SITE PLAN, SPR-03-06, AS AMENDED AND APPROVED
MARCH 8, 2006.

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

There was a break in proceedings at 7:55 p.m

The meeting reconvened at 8:13 p.m.

OLD BUSINESS

28. **VN-15-06 (25332) NORTH 5TH & REGENA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SIEMPRE, LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 12-FOOT BUILDING SETBACK, WHERE 20 FEET IS REQUIRED ALONG NORTH FIFTH STREET. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-26-101-005. (CONTINUED MAY 10, 2006)**

The application was presented by Robert Eastman, Principal Planner who stated the applicant was requesting a 12 foot setback to allow them to build their proposed supper club and associated parking. It was Staff's opinion that the hardship stated by the applicant was self-imposed and that the site was not unique. The North 5th Street dedications would take a portion of the property but that did not, in any way, render the property undevelopable and the problem appeared to be more with the use which required more of the site than the lot could contain; therefore, the applicant was requesting the reduction in the setback. It was Staff's opinion the variance was unnecessary and, therefore, should be denied. The applicant could redesign the site or change the use and would not need the variance; therefore, Staff was recommending VN-15-06 be denied. Mr. Eastman also stated he received letters from a neighboring property owner, who had concerns with the buffering and waivers with the associated use permit, UN-115-05. Should the Commission determine approval was warranted, the following condition was recommended:

1. That the parking area be setback a minimum of five (5) feet from the property line and that the building be setback a minimum of 12 feet from the property line along North 5th Street.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating the plans were in progress before the North 5th corridor was started. The property was approximately one acre in size. Typically, a project of this size would not generate any need or necessity for something like a 150 foot wide limited access, high speed, high capacity arterial. The project had no bearing on the need for a road of that magnitude. What was left of the site was needed to make up for the damage the project was causing to the property. All of the cross sections show the 150 foot, including the multi-use path trail. The Transit Supportive Concept was not a regulation at this point and was not intended to be a regulation. If, in fact, this was

a 150 foot roadway, was it the real right-of-way for the project or was it 150 foot plus an additional 20 foot for the landscaping and sidewalk. Over time, there was only 81 foot of property left between the right-of-way taking on the west side for the North 5th Corridor minus 20 feet on the east side for the buffer required for landscaping to the residential. There was no access onto Regina and must have all internal circulation with enough turning radius for all the fire apparatus, presumably where you would normally need two points of ingress and egress, they were reduced to one. A row of parking would need to be eliminated on the north side so there could be a shared access with the property to the north eliminating the parking there. By the time they are done, they would have approximately .72 acres of property. Staff indicated something else could be put on the site, which was doable, if and when the City took the property through condemnation, which was what would happen, then there would be nothing left of the site for the proposed use, which would force it to the point where the City would not get the right-of-way through the dedication process as a condition of approval, the project would get, ultimately if it goes that way, and that was a choice the Commission and the Council would make. He stated they had made changes and were now to the point where the architect had reviewed it and said, if they are given the constraints suggested by Staff, the project could not be built on that property as it remained. There was no point in redesigning the site without some guidance in terms of what the Commission and City Council want in terms of making some exceptions in order to accommodate development along the corridor where necessary. With respect to the neighbor next door, he spoke with her and she would like some buffering, an eight foot wall and larger trees planted closer together, so the trees could be 36" box trees, planted 20 foot on center. The property to the east was planned for commercial and the area was multi-family high intensity and commercial type uses, so in the long term, the prospects for residential staying there for single family was small. In the meantime they could provide some buffer and comfort and enjoyment with the eight foot wall and landscaping requested.

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

Chairman Aston closed the Public Hearing.

Chairman Aston asked the current square footage of the supper club. Mr. Garcia responded it was 5400 square feet. Chairman Aston asked how far the building was from the 75' right-of-way. Mr. Garcia responded from the back of the right-of-way to the building it was 12 foot. Chairman Aston asked if it was 10 foot on the east property line. Mr. Garcia responded the landscape strip would be 10 foot. Chairman Aston asked Staff if the Commission were to consider the application, the condition was a setback a minimum of five feet from the east property line and 12 feet from the west property line, he felt they could go five feet and 17 feet, which would give more room along North 5th Street. Mr. Garcia stated reducing the setback on the east side to five feet and adding the five feet to the 12 feet. Chairman Aston asked Staff if that was a correct assumption. Mr. Jordan responded the landscape buffer along the east property line was reduced, the setback

along North 5th Street would be increased but the problem was, if they were to plant 36" box trees, a six foot hole would be needed for planting; therefore, by reducing the landscape to five feet, you could not dig a six foot hole so he did not recommend decreasing the landscape buffer to less than the 10 feet that was proposed. Chairman Aston stated he would rather see 24" box trees closer together and see more room on North 5th Street. Mr. Jordan stated there would not be 24" box trees, as most likely there would be a soils report submitted that would state you cannot plant anything within approximately five feet, so a 10 foot buffer would allow something to be planted versus reducing the buffer, which would prevent any type of planting within that area.

Robert Eastman stated the condition was for five feet for the parking area along the west property line along North 5th Street.

Mr. Garcia stated they did not know the outcome of the soils report, soils can be amended and they could put surfaces on top that allow for membranes, allow for air and water to get in to the surface and allow a driveable surface over the top, so it could be done.

Chairman Aston asked Mr. Garcia if he had anything showing the floor plan of the supper club. Mr. Garcia responded he did. Changes had been made numerous times. Chairman Aston asked if the square footage of the supper club had been reduced from the original application. Mr. Garcia responded he was not sure, but did know the building had been redesigned.

Randy Cagle of Public Works clarified what was said at the last Planning Commission meeting regarding the 20 foot setback area. The Condition Planning Staff had in the Staff Report would not work for Public Works. He explained in the 20 foot area, it was envisioned having eight foot of landscaping from the edge of the right-of-way line, a 10 foot trail and then two foot of landscaping and then you would have the building, so he objected to reducing any of the 20 foot setback to anything less than that.

Commissioner Harry Shull stated he understood the situation of the property owner, but continuity was necessary on North 5th Street, so he was not in support of the application.

Mr. Garcia stated he did not disagree with Commissioner Shull, but thought the continuity was clear what was contemplated when seeing the diagrams with the cross sections and Public Works had just indicated they were not on the same page as Planning Department Staff. The diagrams do not follow what was suggested and the landscaping was clearly within the 150 feet. Ultimately, the Planning Commission and City Council would make the decision on what was wanted and they would be part of it whether they were building there or whether the property was condemned.

Chairman Aston stated the cross sections for North 5th Street were put together as a conceptual plan and he thought Public Works always looked at the right-of-way from back of curb to back of curb and asked Mr. Cagle if that was correct. Mr. Cagle responded right-of-ways typically could be back of sidewalk if the sidewalk was next to the curb or it could be anywhere in between; they deal right-of-way to right-of-way.

Nick Vaskov, Deputy City Attorney stated, for the record, he did not feel there was a disagreement between Planning and Public Works, but Planning was trying to propose alternative conditions should the Commission agree with the applicant.

Chairman Aston thought maybe the footprint was too big for the lot and was in agreement with Commissioner Shull.

Commissioner Dean Leavitt stated he agreed with both Chairman Aston and Commissioner Shull and was not in support of the proposed project.

ACTION: DENIED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

29. UN-115-05 (22876) NORTH 5TH & REGENA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SIEMPRE, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A SUPPER CLUB. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-26-101-005. (CONTINUED OCTOBER 12, NOVEMBER 9 AND 22, 2005 AND MAY 10, 2006)

The application was presented by Robert Eastman, Principal Planner who stated, in light of the denial of Item No. 28, VN-15-06, the recommendation was for denial of UN-115-05, as without the variance, the proposed building could not be built on the site as shown. If, however, the Commission desired approval, the following conditions were recommended with some amendments:

1. Unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. That the development shall be in compliance with Chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance).
3. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, except for the following:
 - a. A minimum of five (5) feet of perimeter landscaping may be provided adjacent to the parking area and 12 feet of perimeter landscaping may be provided adjacent to the building along North 5th Street.
 - b. A landscape buffer area a minimum of ten (10) feet wide may be provided along the east property line adjacent to the residential property.
4. That UN-115-05 for a supper club is site-specific and non-transferable.
5. That if VN-15-06 is not approved by the Planning Commission UN-115-05 shall be considered null and void.
6. 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. North 5th Street
 - b. Regena Avenue

7. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
8. As North 5th Street is a planned, limited access corridor, this development shall utilize the proposed driveway along the Regena Avenue frontage; access to North 5th Street will not be permitted.
9. All development along North 5th Street shall provide a twenty foot landscape easement/ common element adjacent to the right-of-way.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.
11. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. 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.
14. 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.
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. The property owner is required to sign a restrictive covenant for utilities.
17. Approval of a traffic study is required prior to submittal of the civil improvement plans.
18. The 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.
19. Approval of a drainage study is required prior to submittal of the civil improvement plans.

20. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating the use was appropriate and conformed to all requirements of the code. Staff was referring it did not fit the design parameter they would like, but the use was appropriate.

Chairman Jay Aston asked Mr. Garcia if he would like the use permit approved and work on the variance. Mr. Garcia stated that would depend on the conditions imposed. The issues raised by Staff were design issues; but, at this point, he felt Staff was saying, if they cannot meet the design, there was no point having the use and he was not sure he could argue that, but did know the building could not fit with all of the constraints imposed, so if they were not willing to deviate from the constraints, he understood.

Marc Jordan, Planning Manager stated if there was a desire by the Commission to approve the use permit, Staff could amend the conditions, which would require the applicant to redesign the building.

Chairman Aston asked if that was the desire of the applicant. Mr. Garcia stated he just wanted to move forward and would leave the decision to the Commission.

Commissioner Dilip Trivedi asked Mr. Garcia if it was possible to make the entrance on Regena Avenue. Mr. Garcia responded Staff had indicated they did not want the second entrance onto Regena Avenue. The biggest problem was the parking.

Chairman Aston asked if the parking lot must be designed for a fire truck to pull in and be able to turn around. James Frater of the Fire Department responded the second access off of Regena Avenue would not be required by the Fire Department. Chairman Aston asked if a turning radius was needed. Mr. Frater responded, based on the site plan, as long as there was no obstruction between North 5th Street and the supper club wall and Regena Avenue and the supper club wall, they could fight a fire from either North 5th Street or Regena Avenue and would not need to get on site in the parking lot. Mr. Garcia stated that may give them some freedom to the design.

Commissioner Harry Shull stated he did not have a problem with the use and felt they just needed to redesign the building; but, was concerned about the overall look of North 5th Street.

Commissioner Steve Brown agreed with Commissioner Shull that the use was okay but if they were to approve it, Condition No. 5 should be deleted.

Chairman Aston opened the Public Hearing. The following participant filled out a card in opposition but was not present:

- **Harvey Ferber, 1504 Lazy Hill Ranch Road, North Las Vegas, NV 89081**

Mr. Garcia stated he had spoken to Mr. Ferber before he left, after he found out it was a supper club and not a tavern, he did not feel he needed to speak against the application.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt agreed with Commissioners Shull and Brown that the use was okay and the site should be redesigned.

Chairman Aston asked Mr. Eastman for the revised conditions. Mr. Eastman responded Condition No. 3.a would be deleted; Condition No. 3.b would be amended to read: "A landscape buffer area a minimum of ten (10') feet wide shall be provided along the eastern property line adjacent to the residential property. In addition, the landscape buffer shall include 36" box trees spaced a minimum of fifteen feet (15') on center with shrubbery and ground cover providing a minimum of 80% ground coverage, not including trees, within two years of planting;" Condition No. 3.c would be added to read: "A minimum eight foot (8') high decorative screen wall shall be provided along the eastern property line adjacent to the residential property;" Condition No. 5 would be deleted; and Condition No. 8 would be amended to read: "As North 5th Street is a planned limited access corridor, this development shall utilize a shared driveway with the parcel to the north. Access to Regena Avenue will not be permitted."

Mr. Garcia asked the Commission to make their recommendation and they would go from there.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 3.A AND 5 AND CONDITION NOS. 3.B AND 8 AMENDED AND CONDITION NO. 3.C ADDED TO READ:

- 3.B. A LANDSCAPE BUFFER AREA A MINIMUM OF TEN FEET (10') WIDE SHALL BE PROVIDED ALONG THE EASTERN PROPERTY LINE ADJACENT TO THE RESIDENTIAL PROPERTY. IN ADDITION, THE LANDSCAPE BUFFER SHALL INCLUDE 36" BOX TREES SPACED A MINIMUM OF FIFTEEN FEET (15') ON CENTER WITH SHRUBBERY AND GROUND COVER PROVIDING A MINIMUM OF 80% GROUND COVERAGE, NOT INCLUDING TREES, WITHIN TWO YEARS OF PLANTING.

- 3.C. A MINIMUM EIGHT FOOT (8') HIGH DECORATIVE SCREEN WALL SHALL BE PROVIDED ALONG THE EASTERN PROPERTY LINE ADJACENT TO THE RESIDENTIAL PROPERTY.

- 8. AS NORTH FIFTH STREET IS A PLANNED LIMITED ACCESS CORRIDOR, THIS DEVELOPMENT SHALL UTILIZE A SHARED DRIVEWAY WITH THE PARCEL TO THE NORTH. ACCESS TO REGENA AVENUE WILL NOT BE PERMITTED.

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

Item No. 32 was heard next.

30. **T-1261 (25705) NLV COMMUNITY. AN APPLICATION SUBMITTED BY NOVEMBER 2005 LAND INVESTORS, LLC, AND DRHI, INC., PROPERTY OWNERS, FOR APPROVAL OF A PARENT TENTATIVE MAP IN AN O-L OPEN LAND DISTRICT (PROPOSED MPC MASTER PLANNED COMMUNITY DISTRICT) TO ALLOW 47 SUBDIVISION LOTS FOR A FUTURE MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND GRAND TETON DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-18-101-001 AND 124-19-101-003. (CONTINUED MAY 24, 2006)**

It was requested by the applicant to continue T-1261 to June 28, 2006.

ACTION: CONTINUED TO JUNE 28, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

31. **SPR-24-06 (25657) CENTENNIAL & PECOS. AN APPLICATION SUBMITTED BY JADE ENTERPRISES ON BEHALF OF SUNRISE ADVISORS, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THREE (3) RETAIL BUILDINGS, TOTALING 78,508 SQUARE FEET. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF PECOS ROAD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-24-801-008. (CONTINUED MAY 24, 2006)**

It was requested by the applicant to continue SPR-24-06 to July 12, 2006.

ACTION: CONTINUED TO JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 42 was heard next.

32. **AMP-24-06 (25547) ANN/LOSEE 45 #4 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO MLDR MEDIUM LOW DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAMMER LANE AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-011. (CONTINUED MAY 24, 2006)**

The application was presented by Marc Jordan, Planning Manager who stated the applicant was proposing to develop the area with single family homes, approximately 57 lots, with a minimum lot size of 4500 square feet. According to the surrounding area, the properties to the east and west were currently undeveloped but were zoned PUD. The property to the east was proposed as a small lot development and the property to the west was proposed as a development that would have lots ranging from 4500 square feet and 6600 square feet. There was also an accompanying item on the agenda where the applicant was proposing a medium-low density residential for the property to the north; therefore, in accordance with the guidelines, this should not be an island of medium-low density residential surrounded by low density, so staff was recommending approval of AMP-24-06.

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

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

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081** stated he appreciated Ms. Lazovich and the applicant's interest in working with the neighborhood. He had no objection to Item No. 32, AMP-24-06 as it was consistent with the development to the west and was larger than the development to the east. He asked that on Item No. 33, ZN-35-06, a condition be added asking that curb, gutter, and paving on Hammer Lane and Lawrence Street be installed and open to the public prior to final inspection on any dwelling units and asked that it be done prior to any vertical construction and they had expressed some concern. The goal was to get capacity on the roadways before the vehicles were added. On Item No. 36, ZN-36-06 he asked the same condition for Lawrence Avenue and Hammer Lane be extended to Lawrence Street and Ann Road. He was concerned about Ann Road being sawtooth through that area. He also asked on Item No. 36 that in the traffic study required in Condition No. 11, that the traffic study look at providing as much safe access as possible to Midnight Breeze, which is the street to the north

that runs parallel to Lawrence Street so it would allow left turn in as it was probably not going to require left turn out without a signal, which might not be possible.

Chairman Aston closed the Public Hearing.

Ms. Lazovich stated with respect to the condition requested on Item No. 33, asking that Hammer Lane and Lawrence Street be completed before final inspection, she asked that it not be imposed as Pardee was developing the other 120 acres in that area and also with that similar condition to be added to Item No. 36 that also included Ann Road, she just spoke to the engineer and there should be plans for Ann Road out of the City of North Las Vegas some time next week, as they want Ann Road to be completed as quickly as possible. Also, they did not have an objection to the left turn in from Ann Road to Midnight Breeze if the City was agreeable.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL
CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

33. ZN-35-06 (25548) ANN/LOSEE 45 #4 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 57 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAMMER LANE AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-011. (CONTINUED MAY 24, 2006)

The application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of ZN-35-06 subject to the following conditions as listed in the revised memo dated June 14, 2006:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The setbacks for this planned unit development shall be consistent with the R-1, Single Family Residential District.
3. The minimum residential lot size for this planned unit development shall be 4,500 square feet.
4. This planned unit development shall not exceed 57 dwelling units.
5. This planned unit development shall comply with the Single Family Development Standards, including, but not limited to:
 - a. Ten (10) feet of corner/side lot landscaping (which may include sidewalk) shall be provided adjacent to all streets less than 60 feet in width.
6. All required open space areas shall be labeled as common elements and be maintained by the homeowners association.
7. A minimum of 40,890 square feet of open space shall be provided.
8. End walls shall be owned and maintained by the homeowners association.
9. The developer shall disclose to prospective home buyers that corner side yard landscape areas are reserved exclusively for landscaping.
10. The prospective home buyers shall sign a written notice declaring knowledge of the existence of R. C. Farms, wherein the housing development may be subject to odors created by the pig farm.

11. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the open space/park areas showing landscaping and amenities.
12. Approval of a traffic study is required prior to submittal of the civil improvement plans.
13. Approval of a drainage study is required prior to submittal of the civil improvement plans.
14. 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.
15. 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.
16. Street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
17. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
18. 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:
 - Lawrence Street
 - Hammer Lane
19. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
20. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.

21. 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.
22. A revocable encroachment permit for landscaping within the public right of way is required.
23. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
24. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
25. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
26. Proposed residential driveway slopes shall not exceed twelve percent (12%).
27. 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.
28. The following amenities shall be provided:
 - a. Circuitous lighted paths.
 - b. A minimum of 20, 24-inch box trees per acre.
 - c. An age appropriate play structures for children with EPDM resilient fall protection and an accompanying shade ramada.
 - d. At least one large open space area for group / organized play.
 - e. One large group shade area / lighted gazebo.
 - f. Picnic table and barbecue grill.
 - g. Dog stations.
 - h. ADA accessibility.

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

Chairman Jay Aston opened the Public Hearing. The following comments were carried forward from Item No. 32:

- ***Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081*** stated he appreciated Ms. Lazovich and the applicant's interest in working with the neighborhood. He had no objection to Item No. 32, AMP-24-06 as it was consistent with the development to the west and was larger than the development to the east. He asked that on Item No. 33, ZN-35-06, a condition be added asking that curb, gutter, and paving on Hammer Lane and Lawrence Street be installed and open to the public prior to final inspection on any dwelling units and asked that it be done prior to any vertical construction and they had expressed some concern. The goal was to get capacity on the roadways before the vehicles were added. On Item No. 36, ZN-36-06 he asked the same condition for Lawrence Avenue and Hammer Lane be extended to Lawrence Street and Ann Road. He was concerned about Ann Road being sawtooth through that area. He also asked on Item No. 36 that in the traffic study required in Condition No. 11, that the traffic study look at providing as much safe access as possible to Midnight Breeze, which is the street to the north that runs parallel to Lawrence Street so it would allow left turn in as it was probably not going to require left turn out without a signal, which might not be possible.

Chairman Aston closed the Public Hearing.

Ms. Lazovich stated with respect to the condition requested on Item No. 33, asking that Hammer Lane and Lawrence Street be completed before final inspection, she asked that it not be imposed as Pardee was developing the other 120 acres in that area and also with that similar condition to be added to Item No. 36 that also included Ann Road, she just spoke to the engineer and there should be plans for Ann Road out of the City of North Las Vegas some time next week, as they want Ann Road to be completed as quickly as possible. Also, they did not have an objection to the left turn in from Ann Road to Midnight Breeze if the City was agreeable.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

34. **T-1257 (25549) ANN/LOSEE 45 #4. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT (PROPOSED PUD PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW 57 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAMMER LANE AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-011. (CONTINUED MAY 24, 2006)**

The application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of T-1257 subject to the following conditions as shown in the revised memorandum dated June 14, 2006:

1. This tentative map shall be considered null and void if AMP-24-06 and ZN-35-06 are not approved.
2. This tentative map must comply with all the conditions of approval for ZN35-06.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

35. **AMP-25-06 (25428) ANN/LOSEE 45 #3 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO MLDR MEDIUM LOW DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-002. (CONTINUED MAY 24, 2006)**

the application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of AMP-25-06.

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

Chairman Jay Aston opened the Public Hearing. The following comments were carried forward from Item No. 32:

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081** stated he appreciated Ms. Lazovich and the applicant's interest in working with the neighborhood. He had no objection to Item No. 32, AMP-24-06 as it was consistent with the development to the west and was larger than the development to the east. He asked that on Item No. 33, ZN-35-06, a condition be added asking that curb, gutter, and paving on Hammer Lane and Lawrence Street be installed and open to the public prior to final inspection on any dwelling units and asked that it be done prior to any vertical construction and they had expressed some concern. The goal was to get capacity on the roadways before the vehicles were added. On Item No. 36, ZN-36-06 he asked the same condition for Lawrence Avenue and Hammer Lane be extended to Lawrence Street and Ann Road. He was concerned about Ann Road being sawtooth through that area. He also asked on Item No. 36 that in the traffic study required in Condition No. 11, that the traffic study look at providing as much safe access as possible to Midnight Breeze, which is the street to the north that runs parallel to Lawrence Street so it would allow left turn in as it was probably not going to require left turn out without a signal, which might not be possible.

Chairman Aston closed the Public Hearing.

Ms. Lazovich stated with respect to the condition requested on Item No. 33, asking that Hammer Lane and Lawrence Street be completed before final inspection, she asked that it not be imposed as Pardee was developing the other 120 acres in that area and also with that similar condition to be added to Item No. 36 that also included Ann Road, she just

spoke to the engineer and there should be plans for Ann Road out of the City of North Las Vegas some time next week, as they want Ann Road to be completed as quickly as possible. Also, they did not have an objection to the left turn in from Ann Road to Midnight Breeze if the City was agreeable.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL
CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

36. **ZN-36-06 (25545) ANN/LOSEE 45 #3 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 38 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-002. (CONTINUED MAY 24, 2006)**

Chairman Jay Aston asked if Traffic or Public Works had any comments.

Randy Cagle of Public Works stated, as far as Mr. Sauer's comments on Ann Road, it was a 100 foot wide road, and typically, there were median and openings allowed at the 660 and the entrance to that subdivision was less than 660 feet from Lawrence Street. But the benefit of the proposed subdivision had no streets exiting onto Ann Road. He could not make any commitment, but could say he would have the Traffic Engineer look at it and there may be a possibility to get some type of median cut to allow a left out or a right in, but not a full access.

The application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of ZN-36-06 subject to the conditions listed in the revised memo dated June 14, 2006 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The setbacks for this planned unit development shall be consistent with the R-1, Single Family Residential District, with the exception that Lot 37 shall comply with the following setbacks:
 - a. Shall have a side load garage,
 - b. Setback from north property line will be a minimum 15 feet (front)
 - c. Setback from west property line will be a minimum 15 feet
 - d. Setback from south property line will be a minimum five (5) feet (rear)
 - e. Setback from east property line will be a minimum 15 feet
 - f. No accessory structure shall be permitted within the minimum setback of the north property line.
3. The minimum residential lot size for this planned unit development shall be 4,500 square feet.

4. This planned unit development shall not exceed 37 dwelling units.
5. This planned unit development shall comply with the Single Family Development Standards, including, but not limited to:
 - a. Ten (10) feet of corner/side lot landscaping (which may include sidewalk) shall be provided adjacent to all streets less than 60 feet in width.
 - b. A meandering sidewalk along Ann Road must be separated from the back of the street curb by a minimum of five feet.
6. All required open space areas shall be labeled as common elements and be maintained by the homeowners association.
7. A minimum of 27,264 square feet of open space shall be provided.
8. End walls shall be owned and maintained by the homeowners association.
9. The developer shall disclose to prospective home buyers that corner side yard landscape areas are reserved exclusively for landscaping.
10. The prospective home buyers shall sign a written notice declaring knowledge of the existence of R. C. Farms, wherein the housing development may be subject to odors created by the pig farm.
11. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the open space/park areas showing landscaping and amenities.
12. Approval of a traffic study is required prior to submittal of the civil improvement plans.
13. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
16. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.

17. 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.
18. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.
 - a. The City of North Las Vegas does not permit the construction of any buildings within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). Under this policy, the applicant must meet the following requirements prior to issuance of permits and certificates of occupancy:
 - b. Grading and off-site construction permits may be issued once a copy of the Conditional Letter of Map Review (CLOMR) application has been submitted to FEMA for processing.
 - c. Building permits may be issued once a CLOMR has been obtained from FEMA.
 - d. Certificates of Occupancy can be issued once a Letter of Map Revision (LOMR) has been obtained from FEMA.
19. The street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
20. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
21. 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:
 - Lawrence Street
 - Ann Road

22. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
23. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
24. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
25. A revocable encroachment permit for landscaping within the public right of way is required.
26. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
27. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
28. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
29. Proposed residential driveway slopes shall not exceed twelve percent (12%).
30. 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.
31. The following amenities shall be provided:
 - a. Circuitous lighted paths.
 - b. A minimum of 20, 24-inch box trees per acre.
 - c. An age appropriate play structures for children with EPDM resilient fall protection and an accompanying shade ramada.
 - d. At least one large open space area for group / organized play.
 - e. One large group shade area / lighted gazebo.
 - f. Picnic table and barbecue grill.
 - g. Dog stations.
 - h. ADA accessibility.

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

Chairman Jay Aston opened the Public Hearing. The following comments were carried over from Item No. 32:

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081** stated he appreciated Ms. Lazovich and the applicant's interest in working with the neighborhood. He had no objection to Item No. 32, AMP-24-06 as it was consistent with the development to the west and was larger than the development to the east. He asked that on Item No. 33, ZN-35-06, a condition be added asking that curb, gutter, and paving on Hammer Lane and Lawrence Street be installed and open to the public prior to final inspection on any dwelling units and asked that it be done prior to any vertical construction and they had expressed some concern. The goal was to get capacity on the roadways before the vehicles were added. On Item No. 36, ZN-36-06 he asked the same condition for Lawrence Avenue and Hammer Lane be extended to Lawrence Street and Ann Road. He was concerned about Ann Road being sawtooth through that area. He also asked on Item No. 36 that in the traffic study required in Condition No. 11, that the traffic study look at providing as much safe access as possible to Midnight Breeze, which is the street to the north that runs parallel to Lawrence Street so it would allow left turn in as it was probably not going to require left turn out without a signal, which might not be possible.

Chairman Aston closed the Public Hearing.

Ms. Lazovich stated with respect to the condition requested on Item No. 33, asking that Hammer Lane and Lawrence Street be completed before final inspection, she asked that it not be imposed as Pardee was developing the other 120 acres in that area and also with that similar condition to be added to Item No. 36 that also included Ann Road, she just spoke to the engineer and there should be plans for Ann Road out of the City of North Las Vegas some time next week, as they want Ann Road to be completed as quickly as possible. Also, they did not have an objection to the left turn in from Ann Road to Midnight Breeze if the City was agreeable.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

37. **T-1258 (25546) ANN/LOSEE 45 #3. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT (PROPOSED PUD PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW 38 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-002. (CONTINUED MAY 24, 2006)**

The application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of T-1258 subject to the conditions listed in the revised memorandum dated June 14, 2006 as follows:

1. This tentative map shall be considered null and void if AMP-25-06 and ZN-36-06 are not approved.
2. This tentative map must comply with all the conditions of approval for ZN-36-06.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

38. **T-1259 (25570) COLTON & ALLEN. AN APPLICATION SUBMITTED BY ORION ENGINEERING ON BEHALF OF GRANT DEVELOPMENT COMPANY, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW 43 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ALLEN LANE AND DELHI AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-701-012, 139-07-701-014, 139-07-701-015, 139-07-701-016, 139-07-701-017, 139-07-701-018, 139-07-701-019, 139-07-701-020, 139-07-701-021 AND 139-07-701-022. (CONTINUED MAY 24, 2006)**

The application was presented by Vicki Adams, Planner who stated no additional information had been received from the applicant; however, two conditions from the Fire Department have been added. Staff was recommending continuation of T-1259 as the site must be reconfigured so that homes were not facing Colton Avenue, a 60 foot right-of-way.

Brent Wilson, Orion Engineering and Surveying, 7391 Prairie Falcon Road Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant stating the application was continued to take a look at the drainage concerns. They were notified, with the Staff Report, there would be a requirement to provide an on-site drainage detention basin; however, they would like to go forward with the tentative map as designed. They were looking at in-fill neighborhood and were trying to make it consistent with the surrounding developments. In Staff's conditions and analysis, they were not allowed to have lots fronting onto the 60 foot street and he did not feel that was appropriate for this development, due to the fact it was an in-fill development. They were attempting to front lots onto Colton Avenue and Delhi Avenue and met the conditions and requirements of the new ordinance for fronting lots onto Delhi Avenue; however, they do not have lots on the opposite side of Colton Avenue. He asked for approval of the tentative map as presented and asked that Condition No. 4 be deleted.

ACTION: DENIED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

39. SPR-16-06 (24932) CENTENNIAL & NOVAK. AN APPLICATION SUBMITTED BY DEVELOPMENT FUNDING GROUP ON BEHALF OF ILLIA FAMILY LIVING TRUST, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW 176 CONDOMINIUM UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND NOVAK STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-101-011, 123-29-101-012 AND 123-29-101-013. (CONTINUED APRIL 12 AND 26, AND MAY 24, 2006)

The application was presented by Vicki Adams, Planner who stated no additional information on the site plan had been received by Staff. Staff was still recommending that SPR-16-06 be continued, as adequate open space had not been provided and to allow the applicant time to reconfigure the site, specifically, the parking areas around the perimeter. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 70,400 square feet of open space.
 - b. Parking areas which are delineated by buildings, walkways, or landscaping.
 - c. Balcony areas which are a minimum of 80 square feet in size.
 - d. Patio areas which are a minimum of 40 square feet in size.
 - e. The landscape buffer along the western property line may be reduced from 20 feet to five (5) feet along the north half of the western property line. In addition to the parking lot islands shown on the revised site plan dated May 3, 2006, a minimum of one tree diamond shall be provided every three (3) parking spaces.
 - f. The landscape buffer along the south half of the western property line may be reduced from 20 feet to ten (10) feet provided that one (1) tree be planted every 15 feet on center. In addition to the parking line islands shown on the revised site plan dated May 3, 2006, a minimum of one tree diamond shall be provided every three (3) parking spaces.
 - g. The landscape buffer along the southern property line may be reduced from 20 feet to 15 feet provided that a double row of trees be planted with one tree every twenty (20) feet on center in each row

3. Pedestrian crossings shall be constructed of textured and dyed concrete and/or brick pavers.
4. Open space design and amenities to be provided for this development shall be subject to review and approval by the Parks Department, and shall meet minimum requirements as set by the Parks Department. The following list of amenities must be provided:
 - a. Circuitous lighted paths
 - b. A minimum of 20 24-inch box trees per acre
 - c. At least 2 differing age appropriate IPEMA approved play structures for children (ref: ASTM Playground Equipment for Public Use, sec. 6.2-6.3) with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
 - d. At least one large grassy open space area for group / organized play, w/drinking fountain
 - e. One large group shade area / gazebo (30' diameter), lighted
 - f. Picnic tables and barbecue grills
 - g. Benches spaced along park pathways
 - h. Dog stations
 - i. Details of amenities to be provided
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. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. The applicant shall submit a traffic study update for review and approval.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
10. The entrance on Centennial Parkway is limited to right-in/right-out only.

11. The developer is required to construct a raised median within Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 - PCC and 219 "A" type island curb.
12. The property owner is required to grant a roadway easement for commercial driveway(s).
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. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
16. The Final map is required to be labeled as a "Merger and Resubdivision".
17. A cross access agreement must be provided to connect Monte Verde Residences 2 to adjacent development to the east, Monte Vista Residences 1.
18. Measures mitigating the greater life-loss/injury risks associated with the proximity of high density residential to a potential hazardous material release are required. A report, prepared by an agency acceptable to the Fire Department, detailing the measures to be provided shall be approved by the Fire Department prior to submittal of Civil Improvement Plans to the Development and Flood Control Division or submittal of Building Construction Plans to the Building Safety Division.
19. Fire Department apparatus access from Novak Street onto the northern fire access lane of this development is required.
20. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
21. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
22. Measures to achieve a noise level reduction, outdoor to indoor, of 25 decibels must be incorporated into the design and construction.

Bill Curran of Curran and Parry, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant along with **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014.**

Mr. Garcia stated the requested waiver had been covered in previous meetings and the main focus was on the Fire Department condition. He stated they agreed on the gross calculation for open space and were willing to conform to the open space requirements. On the actual calculations for the buildings, the courtyards and the patios, you could see the arms that form the courtyard with a door that leads into the entry of the courtyard. He explained the balconies were 42 feet across and eight feet six inches in depth, which calculated to 206 square feet per court yard. The balcony area above, were six foot by 6.6 feet for a total balcony area of 42.25 square feet and he felt they met the requirements on the courtyard level and balcony areas and also met the total open space for the project and did not object to the requirements for open space.

Mr. Curran distributed a revised copy of the booklet from Shirmer Engineering. He pointed out on Page 7 there was a typographical error; the last full paragraph on Page 7 should be deleted (paragraph crossed out in copy given to clerk for the record). Mr. Curran stated the real issue with this application was the condition imposed by the Fire Department. He also asked that his comments from ay 24, 2006 be incorporated. Mr. Curran explained they had followed up with the Fire Department to see if there was some kind of common ground they could achieve and reach an agreement. Unfortunately, they discussed many possibilities but were unable to agree on a solution. Shirmer Engineering, a national company, who specialized in fire protection and safety engineering and had been engaged to help to find a solution that would please the Fire Department. The report noted there was no code requirement for any such additional mitigation in the City's Fire Code, Building Code, or Planning Code; in fact, the National Fire Protection Association Code also would not require any such measures. Previously, when decisions were made, the nearest building to the railroad tracks would have to be 240 feet from the centerline of the railroad tracks. Further, it was stipulated that they would have to erect a fourteen foot high concrete wall to separate the property, which they agreed to and those measures would be taken. He noted trains in this area, as they come from, into or out of the urban area are at a much reduced speed and were in routine transit in the area. They were not involved in switching or storage. As Shirmer's report indicated, rail incidents were very rare and trucking had a much higher incidence of problems. Safety of the hazmat substances in rail transportation is the responsibility of the railroad and the tank car manufacturers and were strictly regulated by various agencies of the Federal Government. Mr. Curran stated they had tried to find something they could do that was more than the already dramatic measures they have taken, the separation from the tracks and building the high physical barrier; but, to his knowledge, measures beyond that have never in the past been taken by the City of North Las Vegas, Las Vegas, Clark County, the State of Nevada and as far as he knew, anywhere in the country and made it an uncompetitive situation for his client to have to do

something that, according to Shirmer Engineering and their estimating, would be several hundred thousand dollars, up to perhaps four hundred thousand dollars in additional costs for them to satisfy what the Fire Department deemed appropriate. Mr. Curran asked for approval with the deletion of Condition No. 18 in SPR-16-06 and the deletion of Condition No. 27 in SPR-15-06.

Ms. Adams added she forgot to let the Chairman and Commissioners know that Staff received a letter from the Union Pacific Railroad requesting that residential development not be allowed next to railroad tracks.

Mr. Garcia stated when the conversion of industrial to residential first started, the UPRR, at one point, provided a similar letter; but, it had been made clear over numerous occasions and it had been determined the change from industrial to residential was appropriate in light of all of the expressed concerns by both Planning and Fire on numerous occasions and at great length and great debate with lots of data and information that there was no additional mitigation measures required in any of those cases. The only requirement found to be appropriate and necessary was the 240 foot buffer imposed on all projects aligning the railroad tracks and they complied with that.

Commissioner Harry Shull asked if Condition No. 18 could be deleted, since it was a request from the Fire Department. Nick Vaskov, Deputy City Attorney responded Condition No. 18 could be deleted. The Fire Department's professional opinion that the condition was necessary to protect the health and safety of the citizens; but, the Commission was free to disagree with that and say they were wrong. One of the things it highlighted was that perhaps this was a combination of a professional issue and a policy issue that would have to be determined by the City Council eventually.

ACTION: APPROVED WITH THE DELETION OF CONDITION NO. 18

MOTION: Commissioner Shull

SECOND: Commissioner Brown

AYES: Chairman Aston, Commissioners Shull, Brown, Trivedi, and Carvalho

NAYS: Commissioner Leavitt

ABSTAIN: None

- 40. SPR-15-06 (24955) CENTENNIAL & UPRR. AN APPLICATION SUBMITTED BY OMEGA DEVELOPMENT ON BEHALF OF CENTENNIAL LAMB LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTIFAMILY RESIDENTIAL DISTRICT TO ALLOW 360 CONDOMINIUM UNITS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND UPRR. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-101-008 AND 123-29-501-001. (CONTINUED APRIL 12 AND 26 AND MAY 24, 2006)**

Comments from Item No. 39, SPR-16-06 were carried forward as follows:

The application was presented by Vicki Adams, Planner who stated no additional information on the site plan had been received by Staff. Staff was still recommending that SPR-15-06 be continued, as adequate open space had not been provided and to allow the applicant time to reconfigure the site, specifically, the parking areas around the perimeter. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 144,000 square feet of open space.
 - b. Parking areas which are delineated by buildings, walkways, or landscaping.
 - c. Balcony areas which are a minimum of 80 square feet in size.
 - d. Patio areas which are a minimum of 40 square feet in size.
 - e. The landscape buffer along the western property line may be reduced from 20 feet to five (5) feet along the north half of the western property line. In addition to the parking lot islands shown on the revised site plan dated May 3, 2006, a minimum of one tree diamond shall be provided every three (3) parking spaces.
 - f. The landscape buffer along the south half of the western property line may be reduced from 20 feet to ten (10) feet provided that one (1) tree be planted every 15 feet on center. In addition to the parking lot islands shown on the revised site plan dated May 3, 2006, a minimum of one tree diamond shall be provided every three (3) parking spaces.
 - g. The landscape buffer along the southern property line may be reduced from 20 feet to 15 feet provided that a double row of trees be planted with one tree every twenty (20) feet on center in each row

3. Pedestrian crossings shall be constructed of textured and dyed concrete and/or brick pavers.
4. Open space design and amenities to be provided for this development shall be subject to review and approval by the Parks Department, and shall meet minimum requirements as set by the Parks Department. The following list of amenities must be provided:
 - a. Circuitous lighted paths
 - b. A minimum of 20 24-inch box trees per acre
 - c. At least 2 differing age appropriate IPEMA approved play structures for children (ref: ASTM Playground Equipment for Public Use, sec. 6.2-6.3) with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
 - d. At least one large grassy open space area for group / organized play, w/drinking fountain
 - e. One large group shade area / gazebo (30' diameter), lighted
 - f. Picnic tables and barbecue grills
 - g. Benches spaced along park pathways
 - h. Dog stations
 - i. Details of amenities to be provided
5. Prior to the issuance of any building permits, a final map shall be recorded mapping this development as a condominium development.
6. The prospective homeowners shall sign a written notice declaring knowledge of the existence of the Union Pacific Railroad (UPRR) tracks wherein the development will be subject to noises associated by the UPRR tracks.
7. No more than 25% of each building may be sold to an investor.
8. All buildings must be set back a minimum of 240 feet from the centerline of the Union Pacific Railroad (UPRR) tracks.
9. Approval of a drainage study is required prior to submittal of the civil improvement plans.
10. 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.

11. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
12. Per the Clark County Regional Flood Control Master Plan, a right-of-way dedication of (40) feet is required for the flood control channel adjacent to the UPRR.
13. Approval of a traffic study is required prior to submittal of the civil improvement plans.
14. A queuing analysis is required.
15. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
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. The westerly driveway on Centennial Parkway shall be used for emergency access only.
18. The developer is required to construct a raised median within Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 - PCC and 219 "A" type island curb.
19. The developer is required to provide the landscaping for the southern half of the raised median with Centennial Parkway.
20. 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. Centennial Parkway
21. The property owner is required to grant a roadway easement for commercial driveway(s).
22. 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.

23. A revocable encroachment permit for landscaping within the public right of way is required.
24. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
25. The Final map is required to be labeled as a "Merger and Resubdivision".
26. A cross access agreement must be provided to connect Monte Verde Residences 2 to adjacent development to the east, Monte Vista Residences 1.
27. Measures mitigating the greater life-loss/injury risks associated with the proximity of high density residential to a potential hazardous material release are required. A report, prepared by an agency acceptable to the Fire Department, detailing the measures to be provided shall be approved by the Fire Department prior to submittal of Civil Improvement Plans to the Development and Flood Control Division or submittal of Building Construction Plans to the Building Safety Division.
28. Fire Department apparatus access into this development from Silverado Sage Street is required.
29. Fire access lanes shall be located in accordance with Fire Code requirements.
30. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
31. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
32. Measure to achieve a noise level reduction, outdoor to indoor, of 25 decibels must be incorporated into the design and construction.

Bill Curran of Curran and Parry, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant along with George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014.

Mr. Garcia stated the requested waiver had been covered in previous meetings and the main focus was on the Fire Department condition. He stated they agreed on the gross calculation for open space and were willing to conform to the open space requirements. On the actual calculations for the buildings, the courtyards and the patios, you could see the arms that form the courtyard with a door that leads into the entry of the courtyard. He explained the balconies were 42 feet across and eight feet six inches in depth, which

calculated to 206 square feet per court yard. The balcony area above, were six foot by 6.6 feet for a total balcony area of 42.25 square feet and he felt they met the requirements on the courtyard level and balcony areas and also met the total open space for the project and did not object to the requirements for open space.

Mr. Curran distributed a revised copy of the booklet from Shirmer Engineering. He pointed out on Page 7 there was a typographical error; the last full paragraph on Page 7 should be deleted (paragraph crossed out in copy given to clerk for the record). Mr. Curran stated the real issue with this application was the condition imposed by the Fire Department. He also asked that his comments from ay 24, 2006 be incorporated. Mr. Curran explained they had followed up with the Fire Department to see if there was some kind of common ground they could achieve and reach an agreement. Unfortunately, they discussed many possibilities but were unable to agree on a solution. Shirmer Engineering, a national company, who specialized in fire protection and safety engineering and had been engaged to help to find a solution that would please the Fire Department. The report noted there was no code requirement for any such additional mitigation in the City's Fire Code, Building Code, or Planning Code; in fact, the National Fire Protection Association Code also would not require any such measures. Previously, when decisions were made, the nearest building to the railroad tracks would have to be 240 feet from the centerline of the railroad tracks. Further, it was stipulated that they would have to erect a fourteen foot high concrete wall to separate the property, which they agreed to and those measures would be taken. He noted trains in this area, as they come from, into or out of the urban area are at a much reduced speed and were in routine transit in the area. They were not involved in switching or storage. As Shirmer's report indicated, rail incidents were very rare and trucking had a much higher incidence of problems. Safety of the hazmat substances in rail transportation is the responsibility of the railroad and the tank car manufacturers and were strictly regulated by various agencies of the Federal Government. Mr. Curran stated they had tried to find something they could do that was more than the already dramatic measures they have taken, the separation from the tracks and building the high physical barrier; but, to his knowledge, measures beyond that have never in the past been taken by the City of North Las Vegas, Las Vegas, Clark County, the State of Nevada and as far as he knew, anywhere in the country and made it an uncompetitive situation for his client to have to do something that, according to Shirmer Engineering and their estimating, would be several hundred thousand dollars, up to perhaps four hundred thousand dollars in additional costs for them to satisfy what the Fire Department deemed appropriate. Mr. Curran asked for approval with the deletion of Condition No. 18 in SPR-16-06 and the deletion of Condition No. 27 in SPR-15-06.

Ms. Adams added she forgot to let the Chairman and Commissioners know that Staff received a letter from the Union Pacific Railroad requesting that residential development not be allowed next to railroad tracks.

Mr. Garcia stated when the conversion of industrial to residential first started, the UPRR, at one point, provided a similar letter; but, it had been made clear over numerous occasions and it had been determined the change from industrial to residential was appropriate in light of all of the expressed concerns by both Planning and Fire on numerous occasions and at great length and great debate with lots of data and information that there was no additional mitigation measures required in any of those cases. The only requirement found to be appropriate and necessary was the 240 foot buffer imposed on all projects aligning the railroad tracks and they complied with that.

Commissioner Harry Shull asked if Condition No. 18 could be deleted, since it was a request from the Fire Department. Nick Vaskov, Deputy City Attorney responded Condition No. 18 could be deleted. The Fire Department's professional opinion that the condition was necessary to protect the health and safety of the citizens; but, the Commission was free to disagree with that and say they were wrong. One of the things it highlighted was that perhaps this was a combination of a professional issue and a policy issue that would have to be determined by the City Council eventually.

ACTION: APPROVED WITH THE DELETION OF CONDITION NO. 27

MOTION: Commissioner Shull

SECOND: Commissioner Brown

AYES: Chairman Aston, Commissioners Shull, Brown, Trivedi, and Carvalho

NAYS: Commissioner Leavitt

ABSTAIN: None

- 41. SPR-10-06 (24698) DECATUR & TROPICAL. AN APPLICATION SUBMITTED BY WORLDMARK INC. ON BEHALF OF DECATUR TROPICS LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT TO WAIVE THE REQUIREMENT OF THE BUILDING ORIENTATION. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND RICE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-204-001, 124-30-204-002 AND A PORTION OF 124-30-204-005. (CONTINUED MARCH 22, APRIL 12, MAY 10 AND 24, 2006)**

The application was presented by Robert Eastman, Principal Planner who stated the application had been continued numerous times. The applicant submitted a revised site plan and Public Works still had concerns with the site plan, which were listed in the revised memorandum dated June 14, 2006. Additionally, it appeared that at least one of the buildings was currently in the setback and was in violation of the zoning code; therefore, Staff was required and it was necessary to recommend that SPR-10-06 be continued indefinitely to allow the applicant to address the concerns of Public Works and the Planning Staff.

Bill Curran of Curran and Parry, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant along with **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014**. Mr. Curran stated he agreed with Staff to continue the application. Mr. Garcia asked that the application be continued for 30 days. He asked for clarification if Public Works was looking for the eastern portion of the project to be designed and incorporated into the site, which was never the intent or the desire as they were not ready to do that. Randy Cagle of Public Works responded this was three parcels and all came in as one master plan change, one zoning and was a 15 acre commercial site. Staff was trying to say, that even though they show the easterly five acres as a future phase, Staff still feels the need to offset the impact from the development being proposed, that the roadway be shown and constructed with the first phase.

ACTION: CONTINUED TO JULY 12, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

42. **SPR-18-06 (25139) CENTENNIAL POINTE. AN APPLICATION SUBMITTED BY THE STRATTON GROUP ON BEHALF OF CENTENNIAL GROUP. LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTIFAMILY RESIDENTIAL DISTRICT TO ALLOW 201 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-701-002, 124-22-701-003, 124-22-701-004, 124-22-701-005 AND 124-22-701-008. (CONTINUED APRIL 26, MAY 10 AND 24, 2006)**

It was requested by the applicant to continue SPR-18-06 to August 9, 2006.

ACTION: CONTINUED TO AUGUST 9, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

43. **T-1253 (25140) CENTENNIAL POINTE. AN APPLICATION SUBMITTED BY THE STRATTON GROUP ON BEHALF OF CENTENNIAL GROUP, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-3 MULTIFAMILY RESIDENTIAL DISTRICT TO ALLOW 201 CONDOMINIUMS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-701-002, 124-22-701-003, 124-22-701-004, 124-22-701-005 AND 124-22-701-008. (CONTINUED APRIL 26, MAY 10 AND 24, 2006)**

It was requested by the applicant to continue T-1253 to August 9, 2006.

ACTION: CONTINUED TO AUGUST 9, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning & Zoning Director Jory Stewart asked the Commission if they would be interested in having a presentation by Ed Lubbers on the role the Planning Commission played in the development agreement negotiation process. The Commission was agreeable. Ms. Stewart stated the item would be placed on the June 28, 2006 Planning Commission Agenda as an information item.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

APPROVED:

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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