

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

April 25, 2007

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

- BRIEFING:** 5:36 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive
- CALL TO ORDER:** 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive
- ROLL CALL:** Chairman Steve Brown - Present
Vice-Chairman Dilip Trivedi - Absent
Commissioner Jay Aston - Present
Commissioner Jo Cato - Present
Commissioner Dean Leavitt - Present
Commissioner Harry Shull - Present
Commissioner Ned Thomas - Present
- STAFF PRESENT:** Jory Stewart, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Toni Ellis, Planner
Bethany Sanchez, Deputy City Attorney II
Randy Cagle, PW, Real Property Services Manager
Clete Kus, PW, Transportation Planner
Janice Carr, Fire Department
Michelle Menart, Parks Planner
Jose Rodriguez, Police Department
Louise Steeps, Utilities Department
Jo Ann Lawrence, Recording Secretary
- WELCOME:** Chairman Steve Brown
- VERIFICATION:** Jo Ann Lawrence, Recording Secretary
- PLEDGE OF ALLEGIANCE:** Commissioner Jay Aston

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MARCH 28, 2007.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Shull and Cato

NAYS: None

ABSTAIN: Commissioners Aston and Thomas

NEW BUSINESS

1. **UN-34-07 (29476) TERRIBLE HERBST TROPICAL/LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRIBLE HERBST INC. ON BEHALF OF PARK CENTRAL PLAZA 32 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 SOUTHEAST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-004.**

It was requested by the applicant to continue UN-34-07 to May 23, 2007.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 23, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

2. **UN-39-07 (29692) PARK CENTRAL PLAZA SIGN PLAN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARK CENTRAL PLAZA ON BEHALF OF PARK CENTRAL PLAZA 32 LLC FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW TWO (2) PYLON SIGNS 45 FEET IN HEIGHT WHERE 35 FEET IS THE MAXIMUM HEIGHT ALLOWED; AND TWO (2) NINE (9) FOOT HIGH AND SIX (6) TEN (10) FOOT HIGH MONUMENT SIGNS WHERE EIGHT (8) FEET IS THE MAXIMUM ACROSS FROM A SINGLE-FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LOSEE ROAD AND ANN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-25-312-003, 124-25-312-004, AND 124-25-312-005.**

It was requested by the applicant to continue UN-39-07 to May 9, 2007.

Chairman Steve Brown opened the Public Hearing. The following participant declined comment at this time.

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081**

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 9, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 6 was heard next.

3. UN-35-07 (29597) SELECT BUILD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAN GATES ON BEHALF OF SOUTHWEST LAND DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW TWO (2) TEMPORARY BUILDINGS. THE PROPERTY IS LOCATED AT 6255 RANGE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-29-501-010.

The application was presented by Marc Jordan, Planning Manager who stated the temporary buildings were needed for additional office space. In review of the site plan, Staff could not determine where the additional parking would be located; however, the site was large and the applicant indicated they would be able to meet the parking requirements. Staff was recommending denial, as one of the requirements for a use permit for temporary buildings was the applicant needed to demonstrate when permanent construction was eminent and at this time, there was nothing on file; however, the applicant indicated permanent buildings would be built across the street on the property to the east. Should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That the temporary trailer shall be generally located as indicated on the site plan, unless otherwise approved by staff.
3. That the two (2) temporary trailers shall not be larger than 11 feet by 64 feet.
4. That the trailer shall be ADA-compliant.
5. That UN-35-07 shall expire on October 25, 2007.
6. The property owner must submit an application to vacate 10' of right-of-way on Range Road ROW. Range Road is 80' per the *Master Plan of Streets and Highways*.
7. 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. Range Road
 - b. *associated spandrels*

8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. The property owner is required to sign a restrictive covenant for utilities.
10. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
11. 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.
12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
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. 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.
15. All off-site improvements must be completed prior to final inspection of the first building.
16. The developer shall provide a meter and back flow prevention for each building per City of North Las Vegas Municipal Services District Service Rules and Regulations.

Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant explaining the applicant was in the process of assembling parcels and planned to expand and development the property within the next few years. The site plan had not been submitted but was ready and construction and approval of the site plan was eminent. Ms. Allen asked for approval for a period of two years.

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Gail Harris, 5204 Glen Eagles Lane, Las Vegas, NV 89108** representing Educators Land, was concerned the temporary trailers may impact the railway spur right-of-way.

Ms. Allen explained the temporary trailers were behind the existing office complex and the railroad site was to the south, so would not be impacted.

Chairman Brown closed the Public Hearing.

Mr. Jordan stated if the Commission desired approval, Condition No. 5 should be amended to change to expiration date to April 25, 2008.

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

5. THAT UN-35-07 SHALL EXPIRE ON APRIL 25, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Aston

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 5 was heard next.

4. **UN-37-07 (29558) LAS VEGAS SHUTTLES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JESUS E. CORRALES, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A BUS TERMINAL (SHUTTLE VANS). THE PROPERTY IS LOCATED AT 3256 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-816-029.**

Jesus Corrales, 5057 Nardini Avenue, Las Vegas, NV 89141, applicant, requested to continue UN-37-07 to May 23, 2007.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 23, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 3 was heard next.

5. **ZN-100-07 (29595) LAS VEGAS SPEEDWAY WAREHOUSE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAN BALLARD ON BEHALF OF LV SPEEDWAY 1 LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN O-L OPEN LAND DISTRICT TO AN M-2 GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED EAST OF MADGE LANE AND 320 FEET SOUTH OF BUFFY ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-27-101-016.**

The application was presented by Toni Ellis, Planner who stated Staff was recommending approval of ZN-100-07.

John Lukeman, 11135 South Eastern Suite 130, Henderson, NV 89052 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 12 was heard next.

6. **AMP-06-07 (29594) LONE MOUNTAIN RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX SONG ON BEHALF OF LEON CHEN ETAL, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF EMPLOYMENT TO NEIGHBORHOOD COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-401-006.**

It was requested by the applicant to continue AMP-06-07 to May 9, 2007.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 9, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

7. **ZN-101-07 (29589) LONE MOUNTAIN RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX SONG ON BEHALF OF LEON CHEN ETAL, 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 NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-401-006.**

It was requested by the applicant to continue ZN-101-07 to May 9, 2007.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 9, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

8. **UN-36-07 (29590) LONE MOUNTAIN RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX SONG ON BEHALF OF LEON CHEN ETAL, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT (PROPOSED C-1 NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-401-006.**

It was requested by the applicant to continue UN-36-07 to May 9, 2007.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 9, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

9. **VN-09-07 (29588) NORTH 5TH & ROME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF DIAMOND CREEK ESTATES LLC, PROPERTY OWNER, FOR A VARIANCE IN AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW A TEN (10) FOOT REAR YARD SETBACK WHERE FIFTEEN (15) FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF NORTH 5TH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-009.**

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant requesting that VN-09-07 be continued indefinitely.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

10. **VN-10-07 (29581) DEER SPRINGS GOLDFIELD PROJECT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT, INC. ON BEHALF OF CENTENNIAL POINTE LLC, PROPERTY OWNER, FOR A VARIANCE IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO REDUCE THE REAR YARD SETBACK TO TEN (10) FEET WHERE FIFTEEN (15) FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET. 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.**

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant requesting that VN-10-07 be continued indefinitely.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

11. **VN-11-07 (29575) DEER SPRINGS NORTH 5TH PROJECT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT, INC. ON BEHALF OF CENTENNIAL POINTE LLC, PROPERTY OWNER, FOR A VARIANCE IN AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT TO REDUCE THE REAR YARD SETBACK TO TEN (10) FEET WHERE FIFTEEN (15) FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF NORTH 5TH STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-601-005.**

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant requesting that VN-11-07 be continued indefinitely.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 14 was heard next.

12. **ZN-99-07 (29431) ANN & MT. HOOD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AML INVESTMENT I LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN O-L OPEN LAND DISTRICT TO AN M-2 GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND MT. HOOD STREET. THE ASSESSOR'S PARCEL NUMBER IS 123-34-101-005.**

The application was presented by Marc Jordan, Planning Manager who stated the Comprehensive Plan for the area was Heavy Industrial and the proposed use was consistent; therefore, Staff was recommending approval of ZN-99-07.

Samantha Porter, 3321 North Buffalo, Suite 200, Las Vegas, NV 89129 appeared on behalf of the applicant stating she concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

13. T-1290 (29429) ANN & MT. HOOD. AN APPLICATION SUBMITTED BY AML INVESTMENT I, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN O-L OPEN LAND DISTRICT (PROPOSED M-2 GENERAL INDUSTRIAL DISTRICT) TO ALLOW AN INDUSTRIAL LOT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND MT. HOOD STREET. THE ASSESSOR'S PARCEL NUMBER IS 123-34-101-005.

The application was presented by Marc Jordan, Planning Manager who stated the application was consistent with Title 17 and Title 16 requirements and the Comprehensive Plan; therefore, Staff was recommending that T-1290 be approved subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Approval of a traffic study is required prior to submittal of the civil improvement plans.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road and Mt. Hood Street.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Ann Road
 - b. Beesley Drive
 - c. Mt. Hood Street
 - d. Howdy Wells Avenue
 - e. associated spandrels
6. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.

7. 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.
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. The property owner is required to sign a restrictive covenant for utilities.
10. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
11. 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.
12. 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.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. 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.
15. The applicant shall provide two paved access roads to the site within the public right of way.
16. All off-site improvements must be completed prior to final inspection of the first building.
17. The sanitary sewer for the subject project shall tie into the existing 21-inch sanitary sewer main approximately located in the intersection of Washburn Road & Donovan Way, unless otherwise approved by the Director of Utilities.
18. Full frontage is required for water main in Beesley Drive & Howdy Wells Avenue per Uniform Design and Construction Standards for Potable Water Systems and the City of North Las Vegas Water Service Rules.

Samantha Porter, 3321 North Buffalo, Suite 200, Las Vegas, NV 89129 appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 15 was heard next.

14. **T-1293 (29559) PARK HIGHLANDS WEST COVE. AN APPLICATION SUBMITTED BY DRHI, INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT TO ALLOW A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH 114 LOTS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF AVIARY WAY AND GRAND TETON DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-18-510-001.**

It was requested by the applicant to continue T-1293 to May 9, 2007.

ACTION: CONTINUED TO MAY 9, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Commissioner Thomas

Item No. 4 was heard next.

15. T-1277 (27306 VENTURE POINT - NLV I. AN APPLICATION SUBMITTED BY VENTURE POINT FVI LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A ONE LOT COMMERCIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF MT. HOOD STREET AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 123-27-201-023.

The application was presented by Toni Ellis, Planner who stated Staff was recommending approval of T-1277 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of approval for SPR-10-07.
3. The size and location of all drainage facilities and/or easements shown are contingent upon review and approval of a Technical Drainage study.
4. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. The westerly driveway must be developed as a shared driveway with the parcel to the west or offset 200 feet from the centerline of Fannin Way. Conformance may require modifications to the site.
5. The sanitary sewer for the subject project shall tie into the existing 21" sanitary sewer main approximately located in the intersection of Washburn Road and Donovan way, unless otherwise approved by the Director of Utilities.

The applicant was not present for comment.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Aston

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

16. T-1291 (29572) CHEYENNE CLAYTON COMMERCIAL. AN APPLICATION SUBMITTED BY HEDLEY BIZCTR NORTH LAS VEGAS LP, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A 29-UNIT COMMERCIAL CONDOMINIUM DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CHEYENNE AVENUE AND CLAYTON STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-08-803-010.

The application was presented by Toni Ellis, Planner who stated Staff was recommending approval of T-1291 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method; the development shall comply with all applicable codes and ordinances.
2. T-1291 must comply with the conditions of approval for SPR-53-05.
3. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Clayton Street
4. Quantity of flow impacting Cheyenne Avenue may not be increased over the existing condition flow rate. Onsite detention may be required.
5. All existing dry utility vaults, manholes, and appurtenances must be relocated to behind the design back of curb.
6. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
7. 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.
8. All off-site improvements must be completed prior to final inspection of the first building.
9. The driveway on Cheyenne Avenue will be restricted to right-in/right-out access only.

10. Copies of all applicable plans and studies shall be submitted to NDOT for review and approval.
11. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Patricia Ortiz, 3011 West Horizon Ridge Parkway, Suite 100, Henderson, NV 89052
appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Aston

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

17. **T-1292 (29560) DEER SPRINGS TOWN CENTER. AN APPLICATION SUBMITTED BY ACACIA PROPERTIES LLC AND NGA #2 LLC ETAL, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-101-003, 124-23-101-004, 124-23-201-001, AND 124-23-201-002.**

The application was presented by Toni Ellis, Planner who stated Staff was recommending approval of T-1292 subject to the following conditions:

1. The applicant must abide by all conditions of the approved traffic study.
2. The size and location of any drainage facilities and/or easements shown are contingent upon review and approval of a Technical Drainage Study.
3. This application shall comply with the conditions of approval for SPR-41-06.
4. This development shall comply with all terms and conditions set forth in the attached memorandum from the Southern Nevada Health District.
5. A modified landscape scheme, as approved by the Planning and Zoning Department prior to recordation of the final map, could be incorporated for the areas north of the buildings along Dorrell Lane as long as the street cross-section is designed for and constructed with a dedicated bike lane.
6. The street cross-section designs indicated on the proposed tentative map are subject to change, per the City Traffic Engineer.

Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

18. **SPR-23-07 (29596) PICERNE AT 5TH & CENTENNIAL. AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT CORPORATION ON BEHALF OF PICERNE SAGEWOOD CENTENNIAL LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW A MULTI-FAMILY RESIDENTIAL COMPLEX CONSISTING OF 428 UNITS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-27-503-001, 124-27-503-002, 124-27-503-003, 124-27-503-004, 124-27-503-005, 124-27-503-006, 124-27-503-007, 124-27-503-008, AND 124-27-503-009.**

The application was presented by Robert Eastman, Principal Planner who stated the applicant had submitted a revised open space and amenities plan and Staff was now recommending approval subject to the conditions listed in the revised memorandum dated April 25, 2007 as follows:

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 25 foot wide perimeter landscaping area is required along the North 5th Street.
 - b. Each dwelling unit shall have an individual outdoor area or patios, and balconies, in addition to any entrance balcony. The minimum size of ground level outdoor area or patio shall be eighty (80) square feet and of an upper story balcony shall be forty (40) square feet.
 - c. Pedestrian connections from the subject property to North 5th Street, Goldfield Street and Regena Avenue are required.
3. Pedestrian crossings shall be constructed of textured and dyed concrete and/or brick pavers.
4. Submit a detailed landscape plan to the Planning & Zoning Department for review and approval.
5. Submit a detailed open space plan for review and approval. A total of 171,200 square feet of open space is required for this development (400 square feet x 428 units). The acceptable width for any area to be considered as open space is twenty (20) feet.

6. Open space area 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.
 - a. Circuitous lighted paths and fitness course
 - b. A minimum of twenty 24-inch box trees per acre
 - c. A minimum of 1,926 square feet of swimming pool area with accompanying decking, barbecue areas, and shade structures at each location. Restrooms and a drinking fountain shall be located adjacent to the central pool area.
 - d. Shaded group picnic areas at a minimum of three different locations (including designated pool areas), which are generally to include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include 30' diameter, lighted shade structure that can accommodate a large group gathering.
 - e. At least one large open space area for group/organized play
 - f. At least 2 differing, age-appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface (2 play structures total). Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes.
 - g. Benches spaced along pathways
 - h. Bicycle racks at 1-2 different locations
 - i. Dog stations at grassy areas along pathways
 - j. ADA accessibility; and
 - k. Details of amenities to be provided.
7. Right-of-way dedication and construction of a flared intersection is required at North 5th Street and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1. The required flaring, including an additional five (5) feet for North 5th Street, must accommodate all dual left turn movements and shall include a right turn lane within Centennial Parkway.
8. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street and Centennial Parkway.

11. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Centennial Parkway
 - b. North 5th Street
 - c. Goldfield Street
 - d. Regena Avenue
12. The proposed driveway on Goldfield Street is restricted to emergency vehicle access only.
13. Emergency access driveways shall be constructed per *Clark County Area Uniform Standard Drawing* No. 226.
14. 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*.
15. Approval of a drainage study is required prior to submittal of the civil improvement plans.
16. 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.
17. 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.
18. A merger and resubdivision parcel map must be filed to create the proposed parcel.
19. All off-site improvements must be completed prior to final inspection of the first building.
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. Goldfield Street
 - b. Centennial Parkway
 - c. North 5th Street
 - d. associated spandrels

21. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
22. A revocable encroachment permit for landscaping within the public right of way is required.
23. The property owner is required to grant a roadway easement for commercial driveway(s).
24. The property owner is required to sign a restrictive covenant for utilities.
25. 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.
26. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
27. All transmission lines shall be located within a common lot area.
28. 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.
29. The public street 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. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
32. Fire access lanes shall be located in accordance with Fire Code requirements.

33. A full frontage extension for water main is required in Regena Avenue and Goldfield Street per Uniform Design and Construction Standards for Potable Water Systems. Developer may need to extend water main in North 5th Street depending upon the need for the development.
34. The developer shall provide a meter per unit if the dwelling type is a townhome, per City of North Las Vegas Municipal Water Service District Service rules and regulations.

Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant requesting that the following two conditions be added:

1. All street improvements must be substantially completed prior to final inspection of the first building.
2. Traffic study shall address traffic mitigation within North Fifth Street adjacent to the site.

Ms. Allen also asked that the words, “or as otherwise approved by the Traffic Engineer” be added to the end of Condition No. 12, the applicant would like to explore having a right-in, right-out entrance and would like the flexibility to work with the Traffic Engineer.

Marc Jordan, Planning Manager suggested on the added conditions, that it be specified which street improvements and also was not sure what was meant by substantially completed.

Ms. Allen explained “all streets” meant the streets adjacent to the property that they would be otherwise required to improve and “substantially completed” was the paving, curbs and gutters. The idea was that the road structure along North 5th Street would be improved prior to development.

Commissioner Ned Thomas asked the applicant to explain the addition of the condition regarding the traffic study.

Ms. Allen explained they were trying to offer a condition making the developer more pro-active.

Commissioner Jay Aston asked Traffic for their comment on the applicant’s request to amend Condition No. 12. Clete Kus of Public Works responded the request to amend Condition No. 12 was acceptable.

Mr. Jordan stated Staff recommended the applicant's first condition, which would be Condition No. 35, should read: "All streets adjacent to the development shall be paved with curb, gutter and sidewalk prior to final inspection of the first building" and agreed with the wording on the second condition which would be Condition No. 36. Ms. Allen stated she concurred with Staff's amended wording for Condition No. 35.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 12 AMENDED AND CONDITION NOS. 35 AND 36 ADDED TO READ:

12. THE PROPOSED DRIVEWAY ON GOLDFIELD STREET IS RESTRICTED TO EMERGENCY VEHICLE ACCESS ONLY, OR AS OTHERWISE APPROVED BY THE TRAFFIC ENGINEER.
35. ALL STREETS ADJACENT TO THE DEVELOPMENT SHALL BE PAVED WITH CURB, GUTTER AND SIDEWALK PRIOR TO FINAL INSPECTION OF THE FIRST BUILDING.
36. TRAFFIC STUDY SHALL ADDRESS TRAFFIC MITIGATION WITHIN NORTH FIFTH STREET ADJACENT TO THE SITE.

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

OLD BUSINESS

19. **ZN-22-07 (28286) ALEXANDER & MLK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GHASSAN SHAMOUN ON BEHALF OF ZORA ZUHAIR AND GHASSAN SHAMOUN, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 11,783 SQUARE FEET OF RETAIL SPACE AND 12,230 SQUARE FEET OF OFFICE SPACE. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-410-007, 139-04-410-008, 139-04-410-009, 139-04-410-010, AND 139-04-410-011. (CONTINUED JANUARY 10 AND 24, FEBRUARY 14, MARCH 14, AND APRIL 11, 2007)**

Item Nos. 19 and 20 were presented together.

The application was presented by Toni Ellis, Planner who stated Staff was recommending that ZN-22-07 and UN-44-06 be continued as the owner had recently acquired the two adjacent parcels and Staff would like those parcels included in the same application.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating when the application was submitted, they only had the one parcel on the corner and had since acquired a number of parcels and recently had gotten control of two other parcels and possibly two more parcels. At this point they were trying to make a cohesive plan. He asked to go forward with the parcels they had acquired to this point. He explained the convenience store was integrated into the in-line retail. Access to the project was approved by the Traffic Engineer. There was a curvilinear path along Martin Luther King Boulevard and Alexander Road and from an aesthetic standpoint, they tried to give the office building a pitched roof to tie it in with the residential to give it a residential appearance. He asked that Condition No. 3.a be deleted and that Condition No. 5 be amended to read: "That a reciprocal access be provided to the parcel to the north of this project" and on Condition No. 18 he clarified that the 24 foot drive isles were required around the fueling area as measured from the face of the curb island.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Sharon Frei, 2920 North Green Valley Parkway #321, Henderson, NV 89014** stated there were concerns regarding the proposed plan. Ordinance No. 2261 was approved on May 3, 2006 for a day care center and she asked if the convenience store would be allowed to sell liquor and if they were, she did not want the

application approved as the convenience store was next to the day care center. She indicated the fuel island was within 25 feet of the day care center, which presented a potential safety hazard. Ms. Frei stated the adjacent property owner was not notified by mail of the proposed shared drive isle and if the drive isle was to be shared, she asked who would maintain it and who would bear the cost of the maintenance.

- **Doniell Elmore-Murray, 4213 Fabulous Finches Avenue, North Las Vegas, NV** stated she was the owner of the day care center that would be located next to the proposed project and was not notified of the shared access driveway and did not feel the application should be approved until an agreement was worked out. She was concerned regarding the gas station's proximity to the area where the children would be playing at the day care center.

Chairman Brown closed the Public Hearing.

Mr. Garcia stated the drive isle design was required by the Traffic Engineer and agreed to work out the logistics with the owner of the day care center, but did not feel there was a safety issue with the gas station.

Clete Kus of Public Works stated Mr. Garcia described the shared driveway issue accurately. He was aware of meetings that occurred with the applicant and the Traffic engineer. Shared access driveways were encouraged at that location. Both the applicant and the property owner acknowledge the benefits of developing it as a shared access driveway. The remaining part of the puzzle was for the applicant to work in conjunction with the adjacent property owner as they developed their plans and finalized the full construction of the driveway.

Chairman Brown asked Staff to discuss the business license issue, whether or not the convenience store would be allowed to sell liquor. Robert Eastman, Principal Planner explained, typically with a convenience store, they would apply for a package liquor and off-sale liquor license, which could be approved through the Business License application process. Chairman Brown asked if it would be a separate use permit and whether it was allowed by code. Mr. Eastman responded a use permit was not required for package liquor sales.

Mr. Garcia added, with package liquor sales, you were not allowed to drink on site which was strictly enforced by the owners. He pointed out they were requesting a waiver for a 10 foot landscape set-back with an extra double row of trees to be sure there was adequate buffering for future development along the vacant property.

Chairman Brown asked if a condition needed to be added for the waiver. Mr. Garcia responded the waiver was requested in their documentation.

Mr. Eastman stated he was working on a condition.

Commissioner Jay Aston asked Staff for comment on the deletion of Condition No. 3.a. Marc Jordan, Planning Manager responded the site could be designed to demonstrate compliance with the Commercial Design Guidelines, which was the reason Staff recommended that the building be oriented to the corner and that the fuel islands be moved in. Mr. Jordan indicated the waiver request was consistent with the development in the area; but, it was always Staff's recommendation to try to comply with the Commercial Design Guidelines. If the Commission desired approval, Staff would agree to the deletion of Condition No.3.a, but another condition would need to be added to address the exception. Commissioner Aston asked if Staff agreed to the requested amendment to Condition No. 5. Mr. Jordan responded Staff was agreeable to amend Condition No. 5 and had amended wording for that condition. Commissioner Aston asked the width of the drive isles shown on the plan. Mr. Garcia responded the drive isles were shown as 30 feet on the plan.

Commissioner Ned Thomas wanted to see a resolution on the shared driveway and since the adjacent property owner was available, asked Staff how to address the issue of the approved site plan for the day care center and why it did not show a shared driveway and asked if the owner of the day care would have to revise their site plan. Mr. Kus stated typically the revision to the site plan should not incur substantial cost. Additionally, for them to develop their site, they would be required to prepare and submit civil improvement plans because the frontage of their property did not have the full improvements and that portion was still a saw-tooth road. In conjunction with them preparing their civil improvement plans, that would be the appropriate time for their plans to reflect the shared access driveway. It would be a necessary requirement for them to continue to develop their day care facility and it really should not result in a substantial cost to them. Commissioner Thomas asked Planning Staff, if the day care center would lose parking if they participated with the shared access driveway and asked the owner of the day care center if she was willing to discuss a shared driveway. Ms. Murray responded she was. Commissioner Thomas felt the issue with the driveway access should be resolved before the application was approved.

Mr. Garcia felt there had been plenty of opportunities for the discussion on the driveway access to have occurred and there was no alternative from the Traffic Engineer in terms of what could be done with the driveway access. Mr. Garcia also indicated his project could be built whether or not the day care center went in and asked that his project be allowed to move forward.

Commissioner Thomas wanted some assurances that the other half of the driveway would be built.

Commissioner Aston asked when the use permit was due on the day care center.

Jory Stewart, Planning and Zoning Director suggested on the day care center it would involve a minor amendment to their site plan, if the Planning Commission wanted to hold the application for a couple of weeks to see if Mr. Garcia could work with the property owner of the site and come forward on Ms. Murray's behalf and there would be a redesign of the driveway, now that communication was initiated between the two parties.

Commissioner Harry Shull understood the applicant's dilemma and felt confident that when the day care center was built, the driveway would be completed and it seemed unfair to hold the applicant up over something they had no control of.

Chairman Brown was concerned if the application was approved, what would happen with the day care center's layout, as they would have to create a shared driveway, yet they were approved without that requirement and could lose parking and then may not be able to meet the code requirements. He asked the applicant if they would consider shortening up the leg on Alexander and making a full drive isle. Mr. Garcia responded they would do that, but he understood what was shown on the plan, was the only way the site would work. Chairman Brown asked the applicant, since two more parcels had been acquired, if the PUD would be amended. Mr. Garcia responded they could ask for a rezoning or it could be done as a PUD amendment.

Commissioner Jo Cato asked if the issue of the shared driveway could be worked out administratively with the applicant and the owner of the day care center. Planning and Zoning Director Jory Stewart responded any number of things could be worked out. The day care center could be reoriented so it was part of the commercial center and redesigned so it was not an exclusive parcel from the site. The problem has always been that the people assembling the parcels have had to design around the existing house and conversion to a day care center and all of the parcels were not assembled, so mitigation was being done to make it happen.

Louise Steeps of the Utilities Department stated the applicant would be required to put in a looped fire system and Martin Luther King Boulevard was a no-cut street so they would have to come off of Alexander Road and Coralie Street, so they would need to come through the parcel to the north to tie in at Coralie. If the applicant did not acquire the landlocked parcels, by the time they came through on the civil plans, they would have to make on-site public water mains and sewer mains to be able to accommodate the potential landlocked parcels.

Mr. Garcia explained the parcels were not landlocked as there was a flag lot that existed to serve those two properties. Ms. Steeps stated the Utilities Department was willing to work with the applicant, but wanted the applicant to be cognizant that he would have to accommodate and may need to revise the site plan for the off-site public mains. Mr. Garcia indicated the Utility Department's concerns would be handled with the civil improvement plans and felt the comments were premature.

Chairman Brown asked if the PUD was approved, if it would prevent the applicant from getting his civil improvement plans approved. Ms. Steeps, responded it would at this point, as a 40 foot easement was needed for the sewer and water laterals and the drive isle, where the egress was, would not be wide enough and they did not like their public mains under any parking structures or other types of structures, as access was necessary 24/7. Mr. Garcia indicated they already owned two of the parcels and were trying to acquire the other two. Ms. Steeps stated, in that case, they could work with the applicant.

Mr. Eastman stated Condition No. 1.c would be added to read: "The convenience store is not required to be oriented to the corner"; Condition No. 1.d would be added to read: "A ten foot (10') wide landscaping buffer with a double row of trees is allowed adjacent to the residential property on the north side of the site"; Condition No. 3.a would be deleted; Condition No. 5 would be amended to read: "That a reciprocal access easement shall be provided to the parcel on the north, if the adjacent parcel is developed as commercial"; and Condition No. 18 would be amended to read: "Twenty-four (24) foot drive aisles are required around fueling area, as measured from the face of the fuel island curb to the back of the parking stall".

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO 3.A DELETED, CONDITION NOS. 5, AND 18 AMENDED AND CONDITION NO. 1.C AND 1.D ADDED TO READ:

- 1.C. THE CONVENIENCE STORE IS NOT REQUIRED TO BE ORIENTED TO THE CORNER.
- 1.D. A TEN FOOT (10') WIDE LANDSCAPING BUFFER WITH A DOUBLE ROW OF TREES IS ALLOWED ADJACENT TO THE RESIDENTIAL PROPERTY ON THE NORTH SIDE OF THE SITE.
5. THAT A RECIPROCAL ACCESS EASEMENT SHALL BE PROVIDED TO THE PARCEL ON THE NORTH, IF THE ADJACENT PARCEL IS DEVELOPED AS COMMERCIAL.
18. TWENTY-FOUR (24) FOOT DRIVE AISLES ARE REQUIRED AROUND THE FUELING AREA, AS MEASURED FROM THE FACE OF THE FUEL ISLAND CURB TO THE BACK OF THE PARKING STALL.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

20. **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. (CONTINUED JUNE 14, AND NOVEMBER 8, 2006 AND FEBRUARY 28, 2007)**

Chairman Steve Brown carried presentation and discussion from Item No. 19, ZN-22-07 forward to this application as follows:

The application was presented by Toni Ellis, Planner who stated Staff was recommending that ZN-22-07 and UN-44-06 be continued as the owner had recently acquired the two adjacent parcels and Staff would like those parcels included in the same application.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating when the application was submitted, they only had the one parcel on the corner and had since acquired a number of parcels and recently had gotten control of two other parcels and possibly two more parcels. At this point they were trying to make a cohesive plan. He asked to go forward with the parcels they had acquired to this point. He explained the convenience store was integrated into the in-line retail. Access to the project was approved by the Traffic Engineer. There was a curvilinear path along Martin Luther King Boulevard and Alexander Road and from an aesthetic standpoint, they tried to give the office building a pitched roof to tie it in with the residential to give it a residential appearance. He asked that Condition No. 3.a be deleted and that Condition No. 5 be amended to read: "That a reciprocal access be provided to the parcel to the north of this project" and on Condition No. 18 he clarified that the 24 foot drive isles were required around the fueling area as measured from the face of the curb island.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Sharon Frei, 2920 North Green Valley Parkway #321, Henderson, NV 89014** stated there were concerns regarding the proposed plan. Ordinance No. 2261 was approved on May 3, 2006 for a day care center and she asked if the convenience store would be allowed to sell liquor and if they were, she did not want the application approved as the convenience store was next to the day care center. She indicated the fuel island was within 25 feet of the day care center, which presented a potential safety hazard. Ms. Frei stated the adjacent property owner was not notified by mail of the proposed shared drive isle and if the drive isle was

to be shared, she asked who would maintain it and who would bear the cost of the maintenance.

- ***Doniell Elmore-Murray, 4213 Fabulous Finches Avenue, North Las Vegas, NV*** stated she was the owner of the day care center that would be located next to the proposed project and was not notified of the shared access driveway and did not feel the application should be approved until an agreement was worked out. She was concerned regarding the gas station's proximity to the area where the children would be playing at the day care center.

Chairman Brown closed the Public Hearing.

Mr. Garcia stated the drive isle design was required by the Traffic Engineer and agreed to work out the logistics with the owner of the day care center, but did not feel there was a safety issue with the gas station.

Clete Kus of Public Works stated Mr. Garcia described the shared driveway issue accurately. He was aware of meetings that occurred with the applicant and the Traffic engineer. Shared access driveways were encouraged at that location. Both the applicant and the property owner acknowledge the benefits of developing it as a shared access driveway. The remaining part of the puzzle was for the applicant to work in conjunction with the adjacent property owner as they developed their plans and finalized the full construction of the driveway.

Chairman Brown asked Staff to discuss the business license issue, whether or not the convenience store would be allowed to sell liquor. Robert Eastman, Principal Planner explained, typically with a convenience store, they would apply for a package liquor and off-sale liquor license, which could be approved through the Business License application process. Chairman Brown asked if it would be a separate use permit and whether it was allowed by code. Mr. Eastman responded a use permit was not required for package liquor sales.

Mr. Garcia added, with package liquor sales, you were not allowed to drink on site which was strictly enforced by the owners. He pointed out they were requesting a waiver for a 10 foot landscape set-back with an extra double row of trees to be sure there was adequate buffering for future development along the vacant property.

Chairman Brown asked if a condition needed to be added for the waiver. Mr. Garcia responded the waiver was requested in their documentation.

Mr. Eastman stated he was working on a condition.

Commissioner Jay Aston asked Staff for comment on the deletion of Condition No. 3.a. Marc Jordan, Planning Manager responded the site could be designed to demonstrate

compliance with the Commercial Design Guidelines, which was the reason Staff recommended that the building be oriented to the corner and that the fuel islands be moved in. Mr. Jordan indicated the waiver request was consistent with the development in the area; but, it was always Staff's recommendation to try to comply with the Commercial Design Guidelines. If the Commission desired approval, Staff would agree to the deletion of Condition No.3.a, but another condition would need to be added to address the exception. Commissioner Aston asked if Staff agreed to the requested amendment to Condition No. 5. Mr. Jordan responded Staff was agreeable to amend Condition No. 5 and had amended wording for that condition. Commissioner Aston asked the width of the drive isles shown on the plan. Mr. Garcia responded the drive isles were shown as 30 feet on the plan.

Commissioner Ned Thomas wanted to see a resolution on the shared driveway and since the adjacent property owner was available, asked Staff how to address the issue of the approved site plan for the day care center and why it did not show a shared driveway and asked if the owner of the day care would have to revise their site plan. Mr. Kus stated typically the revision to the site plan should not incur substantial cost. Additionally, for them to develop their site, they would be required to prepare and submit civil improvement plans because the frontage of their property did not have the full improvements and that portion was still a saw-tooth road. In conjunction with them preparing their civil improvement plans, that would be the appropriate time for their plans to reflect the shared access driveway. It would be a necessary requirement for them to continue to develop their day care facility and it really should not result in a substantial cost to them. Commissioner Thomas asked Planning Staff, if the day care center would lose parking if they participated with the shared access driveway and asked the owner of the day care center if she was willing to discuss a shared driveway. Ms. Murray responded she was. Commissioner Thomas felt the issue with the driveway access should be resolved before the application was approved.

Mr. Garcia felt there had been plenty of opportunities for the discussion on the driveway access to have occurred and there was no alternative from the Traffic Engineer in terms of what could be done with the driveway access. Mr. Garcia also indicated his project could be built whether or not the day care center went in and asked that his project be allowed to move forward.

Commissioner Thomas wanted some assurances that the other half of the driveway would be built.

Commissioner Aston asked when the use permit was due on the day care center.

Jory Stewart, Planning and Zoning Director suggested on the day care center it would involve a minor amendment to their site plan, if the Planning Commission wanted to hold the application for a couple of weeks to see if Mr. Garcia could work with the property owner of the site and come forward on Ms. Murray's behalf and there would be a redesign

of the driveway, now that communication was initiated between the two parties.

Commissioner Harry Shull understood the applicant's dilemma and felt confident that when the day care center was built, the driveway would be completed and it seemed unfair to hold the applicant up over something they had no control of.

Chairman Brown was concerned if the application was approved, what would happen with the day care center's layout, as they would have to create a shared driveway, yet they were approved without that requirement and could lose parking and then may not be able to meet the code requirements. He asked the applicant if they would consider shortening up the leg on Alexander and making a full drive isle. Mr. Garcia responded they would do that, but he understood what was shown on the plan, was the only way the site would work. Chairman Brown asked the applicant, since two more parcels had been acquired, if the PUD would be amended. Mr. Garcia responded they could ask for a rezoning or it could be done as a PUD amendment.

Commissioner Jo Cato asked if the issue of the shared driveway could be worked out administratively with the applicant and the owner of the day care center. Planning and Zoning Director Jory Stewart responded any number of things could be worked out. The day care center could be reoriented so it was part of the commercial center and redesigned so it was not an exclusive parcel from the site. The problem has always been that the people assembling the parcels have had to design around the existing house and conversion to a day care center and all of the parcels were not assembled, so mitigation was being done to make it happen.

Louise Steeps of the Utilities Department stated the applicant would be required to put in a looped fire system and Martin Luther King Boulevard was a no-cut street so they would have to come off of Alexander Road and Coralie Street, so they would need to come through the parcel to the north to tie in at Coralie. If the applicant did not acquire the landlocked parcels, by the time they came through on the civil plans, they would have to make on-site public water mains and sewer mains to be able to accommodate the potential landlocked parcels.

Mr. Garcia explained the parcels were not landlocked as there was a flag lot that existed to serve those two properties. Ms. Steeps stated the Utilities Department was willing to work with the applicant, but wanted the applicant to be cognizant that he would have to accommodate and may need to revise the site plan for the off-site public mains. Mr. Garcia indicated the Utility Department's concerns would be handled with the civil improvement plans and felt the comments were premature.

Chairman Brown asked if the PUD was approved, if it would prevent the applicant from getting his civil improvement plans approved. Ms. Steeps, responded it would at this point,

as a 40 foot easement was needed for the sewer and water laterals and the drive isle, where the egress was, would not be wide enough and they did not like their public mains under any parking structures or other types of structures, as access was necessary 24/7. Mr. Garcia indicated they already owned two of the parcels and were trying to acquire the other two. Ms. Steeps stated, in that case, they could work with the applicant.

Mr. Eastman stated Condition No. 1.c would be added to read: "The convenience store is not required to be oriented to the corner"; Condition No. 1.d would be added to read: "A ten foot (10') wide landscaping buffer with a double row of trees is allowed adjacent to the residential property on the north side of the site"; Condition No. 3.a would be deleted; Condition No. 5 would be amended to read: "That a reciprocal access easement shall be provided to the parcel on the north, if the adjacent parcel is developed as commercial"; and Condition No. 18 would be amended to read: "Twenty-four (24) foot drive aisles are required around fueling area, as measured from the face of the fuel island curb to the back of the parking stall".

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Doniell Elmore-Murray, 4213 Fabulous Finches Avenue, North Las Vegas, NV** stated she might lose customers due to the gas station being located so close to her day care center and had not seen child care centers and schools located next to a gas station in other parts of the City. She also asked how she could possibly lose parking spaces due to the approval of the convenience store when her application for the day care center had already been approved.

Mr. Garcia stated he would work with the applicant on the shared driveway access.

Chairman Brown closed the Public Hearing.

Commissioner Ned Thomas asked Ms. Murray if she was a resident of North Las Vegas. Ms. Murray responded she was. Commissioner Thomas felt there was something more going on with the property, other than what had been discussed and did not understand why the owner of the day care center had not been contacted by the applicant regarding the shared driveway access.

Mr. Eastman stated if it was the Commission's desire to approve UN-44-06, Condition Nos. 1 through 4 and 8 through 31 should be deleted, as they were the same as the conditions put on the PUD, ZN-22-07 and Condition No. 6 required the applicant to comply with those conditions.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
THE DELETION OF CONDITION NOS. 1 THROUGH 4 AND 8 THROUGH
31

MOTION: Commissioner Shull

SECOND: Chairman Brown

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

NAYS: Commissioners Cato and Thomas

ABSTAIN: None

21. **VAC-08-07 (29372) NORTHGATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, TO VACATE EL CAMPO GRANDE AVENUE BETWEEN DONOVAN WAY AND THE I-15 RIGHT-OF-WAY, AND TO VACATE NOVAK STREET AND THE ASSOCIATED DRAINAGE EASEMENT COMMENCING AT EL CAMPO GRANDE AVENUE AND PROCEEDING SOUTH TO THE I-15 RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-401-015, 123-29-401-004, 123-29-401-005, 123-29-401-006, 123-29-401-007, 123-29-401-012, AND 123-29-401-013. (CONTINUED APRIL 11, 2007)**

The application was presented by Marc Jordan, Planning Manager who stated this application was part of the Northgate Phase I development that was already approved. In the Staff Report, Staff originally recommended continuance due to some concerns; however, a memorandum was received from the Public Works and Utilities Departments indicating they no longer had an objection to the approval of the vacation; therefore, Staff was recommending approval of VAC-08-07 with Condition No. 2 deleted and adding a new Condition No. 2 to read: The vacation shall record concurrently with the dedication of the following streets as depicted on the associated tentative map (T-1288): a. Lamb Boulevard; b. Donovan Way; c. Tropical Parkway; d. Ann Road; e. Unnamed street adjacent to I-15; and f. Marion Drive”.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 and **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant. Mr. Gronauer asked that Condition No. 1 be amended.

Louise Steeps of the Utilities Department stated she concurred with Public Works' conditions.

Mr. Gronauer stated he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION WITH THE DELETION OF CONDITION NOS. 1 AND 2 AND A NEW CONDITION NO. 1 ADDED TO READ:

1. THE VACATION SHALL RECORD CONCURRENTLY WITH THE DEDICATION OF THE FOLLOWING STREETS AS DEPICTED ON THE ASSOCIATED TENTATIVE MAP (T-1288):

- A. LAMB BOULEVARD
- B. DONOVAN WAY
- C. TROPICAL PARKWAY
- D. ANN ROAD
- E. UNNAMED STREET ADJACENT TO I-15
- F. MARION DRIVE

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

22. **T-1288 (29367) NORTHGATE. AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, FOR APPROVAL OF A ONE LOT TENTATIVE MAP IN AN MUD MIXED USE DEVELOPMENT (MX-3) TO ALLOW A COMMERCIAL LOT. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002, 123-29-301-003, 123-29-401-015, 123-29-401-004, 123-29-401-005, 123-29-401-006, 123-29-401-007, 123-29-401-012, AND 123-29-401-013. (CONTINUED APRIL 11, 2007)**

The application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of T-1288 with Condition No. 3 and 6 deleted; Condition No. 7 amended to read: "This application shall comply with the conditions of approval for VAC-08-07, or should that application be denied, modifications to this tentative map will; be required to incorporate the subject streets into the site plan".

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 added Condition No. 1 should also be deleted. Mr. Jordan stated Utilities was okaying the deletion of Condition No. 1. The original recommended conditions are as follows:

1. Provide a forty-foot (40') utility easement along the limits of the proposed Master Plan of Streets and Highways amendment.
2. The development of this site shall comply with all Southern Nevada Health District requirements.
3. At a minimum, a fifteen-foot (15') public pedestrian access easement shall be required within the limits of the forty-foot (40') utility easement under the Lamb Boulevard overpass adjacent to the Union Pacific Rail Road right-of-way. If a utility easement is not required, then the fifteen-foot (15') public pedestrian access easement shall be provided independently.
4. The development of this site shall comply with all conditions of approval for Ordinance Number 2344 (ZN-23-07) and the forthcoming Final Development Plan(s).
5. The final map for this site shall not record until such time that a Final Development Plan has been reviewed and approved by the Planning Commission.
6. Five (5) copies of a conforming tentative map incorporating the conditions of approval shall be submitted for review and approval to the Department of Public

Works and the Department of Planning and Zoning prior to submittal of the final map and civil improvement plans.

7. This application shall comply with any conditions of approval for VAC-08-07 and VAC-09-07 or, should the subject vacations be denied, modifications to this Tentative Map will be required.
8. All known geologic hazards shall be shown on the conforming tentative map and 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.
9. The property owner is required to sign a restrictive covenant for utilities.
10. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
11. All off-site improvements must be completed prior to final inspection of the first building.
12. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Lamb Boulevard, Ann Road, Tropical Parkway and Marion Drive.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 and **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant. Mr. Gronauer asked that Condition No. 5 be deleted because they would like to file for their commercial subdivision map prior to filing a final development plan review as it allowed the applicant to move forward as they finalized the final development plan.

Mr. Garcia explained, with the tentative map, they were defining the street network and completed road system the City needed.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 1, 3, 5 AND 6 AND CONDITION NO. 7 AMENDED TO READ:

7. THIS APPLICATION SHALL COMPLY WITH THE CONDITIONS OF APPROVAL FOR VAC-08-07, OR SHOULD THAT APPLICATION BE DENIED, MODIFICATIONS TO THIS TENTATIVE MAP WILL BE REQUIRED TO INCORPORATE THE SUBJECT STREETS INTO THE SITE PLAN.

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

23. **SPR-09-07 (28474) REGENA TOWNHOMES. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF REGENA HOMES LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW CONSISTING OF 18 FOUR-PLEX BUILDINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-001. (CONTINUED JANUARY 24, FEBRUARY 14 AND 28, MARCH 28, AND APRIL 11, 2007)**

The application was presented by Robert Eastman, Principal Planner who stated the applicant had previously revised their site plan but were still not in compliance with the required landscape buffer for the site; therefore, Staff was recommending SPR-09-07 be denied.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant explaining they had talked to the property owners to the east and south and also met with Staff to come up with a way to provide some type of pedestrian access. He stated they contacted the church's contractor and they were not interested in having them provide pedestrian access from their property to the church property; however, they were willing to accept a condition, that if they did get their concurrence or support for pedestrian access gates, they would comply. They also contacted the property owners to the east and they were not interested in pedestrian access gates. He suggested adding a condition that they would provide pedestrian access, as long as the adjacent property owners cooperate. Mr. Gronauer proposed to add the following two conditions: 1. All streets adjacent to the development shall be paved with curb and gutter prior to the final inspection of the first building, and 2. A traffic study shall address traffic mitigation within North 5th Street adjacent to the site.

Chairman Jay Aston left Chambers at 7:40 p.m.

Mr. Eastman suggested the requested condition read into the record by Mr. Gronauer be amended to read as amended by Staff on Item No. 18, SPR-23-07 to read: All streets adjacent to the development shall be paved with curb, gutter, and sidewalk prior to final inspection of the first building.

Mr. Gronauer clarified that if the approval was, as submitted, which would remove the 20 foot landscape buffer requirement on the south and east side of the property. He stated they would increase the trees on the southern portion of the property, which was adjacent to the church and do the same on the eastern portion to increase the landscaping to the adjacent parcels on that side. He pointed out that in some areas they exceeded the 20 foot requirement.

Mr. Eastman stated Condition No. 2 would be amended to read: "This development shall comply with the Multi-Family Development Standards with the following exception: a. The landscape width shall be as depicted on the site plan with a double row of trees along the south and east portions and shrubs to provide an 80% ground coverage".

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 2 AMENDED AND THE ADDITION OF CONDITION NOS. 26 AND 27 TO READ:

2. THIS DEVELOPMENT SHALL COMPLY WITH THE MULTIFAMILY DEVELOPMENT STANDARDS WITH THE FOLLOWING EXCEPTION:
 - A. THE LANDSCAPE WIDTH SHALL BE AS DEPICTED ON THE SITE PLAN WITH A DOUBLE ROW OF TREES ALONG THE SOUTH AND EAST PORTIONS AND SHRUBS TO PROVIDE AN 80 PERCENT (80%) GROUND COVERAGE.
26. ALL STREETS ADJACENT TO THE DEVELOPMENT SHALL BE PAVED WITH CURB, GUTTER, AND SIDEWALK PRIOR TO FINAL INSPECTION OF THE FIRST BUILDING.
27. TRAFFIC STUDY SHALL ADDRESS TRAFFIC MITIGATION WITHIN NORTH FIFTH STREET ADJACENT TO THE SITE.

MOTION: Commissioner Shull
SECOND: Commissioner Leavitt
AYES: Chairman Brown, Commissioners Leavitt, Shull, and Cato
NAYS: Commissioner Thomas
ABSTAIN: None

Commissioner Aston returned to Chambers at 7:43 p.m.

24. SPR-17-07 (28909) NORTH 5TH & ROME. AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF DIAMOND CREEK ESTATES, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW A 519 UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ROME BOULEVARD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-009. (CONTINUED MARCH 14 AND 28 AND APRIL 11, 2007)

The application was presented by Robert Eastman, Principal Planner who stated the applicant had submitted a revised site plan and in general Staff's concerns were minor. The applicant now had an approved parking study from the Department of Public Works to support their waiver request for the reduction in the number of parking spaces; however, there were still problems with the site with respect to the pedestrian access, The applicant has proposed a 20 foot pathway along the northern side of their site to provide access to North 5th Street; however, Staff would prefer a 40 foot access way, which was supported by both the Parks and Recreation Department and the Police Department. Additionally, the applicant should provide additional access ways to both North 5th Street, to the proposed trail, and to the west of the site. From a design standpoint, the concerns were minor and there were also some architectural problems and some of them could be handled administratively; however, Staff felt that since there were so many small problems and the access was a large problem, that SPR-17-07 should be continued to allow the applicant additional time to work with Staff to try to address their concerns. Should the Commission determine approval was warranted, the following conditions were recommended:

1. 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 the Multifamily Development Standards including, but not limited to:
 - a. A minimum 188,000 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents
 - b. Balcony areas which are a minimum 40 square feet in size.
 - c. Patio areas which are a minimum 80 square feet in size.
 - d. Landscaped buffers a minimum of 20 feet in width along all interior property lines.
 - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
 - f. All required landscaping between the public streets and the perimeter wall or

- view fence.
 - g. At least one recreational amenity/facility within 300 feet of each unit.
 - h. No building greater than one story within 50 feet of the northern property line.
 - l. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping along Rome Boulevard and Goldfield Street.
 - j. No utility panels shall be visible from adjacent rights-of-way or properties.
 - k. At least three different design themes and appropriate clustering of not more than 200 units per theme/cluster.
 - l. Clearly defined parking areas with no more than 80 spaces per area.
 - m. Site design that encourages and allows for easy/convenient pedestrian access to North 5th Street and public transportation.
3. Pedestrian crossings shall be constructed of textured and dyed concrete, and/or brick pavers. The pedestrian crossings of the two long straight drive aisles parallel and adjacent to the northern property line shall be raised to curb level and shall also serve as speed humps. The specific locations of the two crossings shall be subject to review and approval of Planning.
 4. All parking shall be provided in accordance with the accepted parking waiver. A minimum 848 non-tandem parking spaces shall be provided.
 5. Two additional pedestrian gates shall be provided through each of the fences along the northern property line, Goldfield Street and Rome Boulevard. Four additional pedestrian gates shall be provided through the fence along North 5th Street. The specific locations shall be subject to review and approval by Planning.
 6. The meandering sidewalk along North 5th Street shall be removed and the entire area between the right-of-way and the perimeter fence shall be landscaped.
 7. The carports adjacent to the fence along the northern property line shall be re-located to the south side of the drive aisle to allow for better visibility of the pedestrian path.
 8. The path along the northern property line shall be designed and constructed in accordance with City standards and approved by Planning and Parks & Recreation. Amenities shall be provided within the easement to include, but not be limited to, lighting, benches, trash receptacles and landscaping.
 9. That VN-09-07 shall be withdrawn by the applicant and all buildings shall be located in accordance with all applicable setbacks.
 10. The perimeter fence shall be constructed with wrought-iron, and pilasters or

decorative wall sections not greater than six feet (6.00') in length. Pilasters and wall sections shall have decorative capstones.

11. The square feet of each balcony and private patio shall be provided on the building plans.
12. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
 1. Circuitous lighted paths and fitness course;
 2. A minimum of twenty 24-inch box trees per acre;
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
 4. A minimum of three swimming pools (no less than 2,115 square feet of total swimming pool area) with accompanying decking, barbecue areas, and shade structures at each location. One clubhouse/cabana shall be located adjacent to one of the pools and shall include restrooms and a drinking fountain;
 5. A minimum of one fitness facility;
 6. Shaded group picnic areas at a minimum of three different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted, shade structure that can accommodate a large group gathering;
 7. At least one large open space area for group/organized play;
 8. One sport court (i.e. basketball, sand volleyball, tennis, etc.) and/or other amenity such as a pet park or putting green course;
 9. Benches spaced along pathways;
 10. Bicycle racks at 2-3 different locations;
 11. Dog stations at grassy areas;
 12. ADA accessibility; and
 13. Details of amenities to be provided.
13. A looped water system may be required, subject to review and approval of the Utilities Department.
14. Full frontage extension of water main will be required along Rome Boulevard from Goldfield Street and North 5th Street.
15. Fire access roads shall be a minimum of 24' including entrances to the property.

16. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
17. Fire access lanes shall be located in accordance with the Fire Code. The maximum distance from a fire lane to a structure is to be measured as the hose lays (around walls, fences, etc.)
18. Approval of a traffic study is required prior to submittal of the civil improvement plans.
19. A queuing analysis is required.
20. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.
21. 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.
22. 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.
23. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
24. All development along North 5th Street shall provide a minimum twenty foot landscape area/common element adjacent to the right-of-way.
25. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.
26. 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.
27. All public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
28. The developer shall provide a fourteen foot over-pave beyond the centerline of Rome Boulevard.

29. 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*.
30. Extension of the Clark County Regional Flood Control District facility along the North 5th Street frontage is required.
31. Approval of a drainage study is required prior to submittal of the civil improvement plans.
32. 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.
33. 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.
34. 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.
35. 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. Goldfield Street
 - b. Rome Boulevard
 - c. Engel Street
 - d. North 5th Street
 - e. associated spandrels
36. The property owner is required to grant a roadway easement for commercial driveway(s).
37. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
38. A revocable encroachment permit for landscaping within the public right of way is required.
39. The developer is responsible for acquiring any roadway, drainage or utility easements needed to construct the project.

40. 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.
41. Should VAC-03-07 be denied, this site plan shall be designed to include Engel Street; additionally, five (5) copies of a conforming site plan incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works and the Department of Planning and Zoning prior to submittal of the civil improvement plans.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant stating the application was initially approved for a zone change to R-4, which allowed 50 dwelling units per acre. The intent was to try to get as much density as possible on North 5th Street, but in order to do that, they must request certain waivers and variances. He explained during the time the application was continued, there had been substantial changes to the plan. Based on conversations with Staff several months ago, since Engle Street was not on the Master Plan of Streets and Highways, Staff said they would support the application for the vacation of Engle Street. That information was relayed to their client to the north of the site and also the current applicant. Based on that information, the applicant went forward and the day before the first Planning Commission hearing, they learned the Public Works Department was going to recommend denial of the vacation application because it was needed for street circulation; so, the application was held and during that time they met with Public Works and Planning Staff and tried to come up with a compromise. Before that time, there had never been discussion regarding a pedestrian access to go from east to west, west to east. Over the next couple of weeks, they negotiated with Staff to try to resolve the street issues, as the applicant believed the street was not needed. During the discussions, he understood the property owner to the north, which was Camden, would give 10 feet of property and the property owner to the south would give 10 feet, so there would be a 20 foot wide trail area, which was not totally supported by his clients, but thought it would help move the process forward. At the public hearing, when he represented the vacation, prior to the motion being made for support of the vacation, knowing they would provide a 20 foot wide strip, the Utilities Department stated they needed a utility easement in that area, which was 30 feet wide, which was the first mention of a utility easement being needed. One of the conditions on the vacation required them to provide a 30 foot wide trail in the area as that was where the utility easement was required. During that time, his client spent the time, money and effort to do

the utility study for water pressure issues and felt the utility easement issue was resolved. Since that time, they met with Public Works and they were now recommending approval of the vacation application. The intent was if they were going to provide a 20 foot wide trail, in talking to Camden, which is the property to the north, and Trammel Crow, they would provide the 20 foot corridor along the Trammel Crow property line. Because of that, they had lost a substantial amount of density from 530 units to 470 units. He believed with the current application they should only have to provide 20 feet, not 40 feet. He stated initially both property owners, Camden and Trammel Crow, were going to give 10 feet each. He indicated the process was started with a vacation, no pedestrian access requirement and then they came back to try to negotiate why the vacation was being denied, and give pedestrian access and the width increased to 20 feet and now at this meeting he learned the City wanted 40 feet and he did not have the authority to provide a 40 foot wide trail. Mr. Gronauer stated they were providing 20 feet for a trail and the City could maintain and assume the liability. He did not want the application continued and with respect to the other conditions regarding building elevations, they were minor and they could make adjustments for those. He also stated they worked with the Traffic Department on the parking studies and Public Works was now in support of the reduction in parking.

Chairman Steve Brown asked if the Commission were to approve the application, which conditions would need to be amended. Mr. Gronauer stated the 20 feet was being provided as shown on the site plan. Chairman Brown asked if the project was developed according to the site plan, if Trammel Crow would be developing the trail. Mr. Gronauer responded he understood Trammel Crow would be developing it and due to the liability issue, if the trail would be for public use, the City would have to maintain it.

Jory Stewart, Planning and Zoning Director explained the overall concept plan for North 5th Street was to endorse higher density, which was being seen along the corridor. Another premise was that the density be in more of a mixed use environment and coupled with the mixed use and the transit corridor, that, in turn, a developer might be able to qualify for parking waivers and things of that nature, all of which was spelled out in the North 5th Street Concept Plan. One of the pivotal elements of the Concept Plan was that, if the on-site parking was to be reduced, mixed use was a strong component of that due to reduced vehicle trips; but, another factor was the walkability of the community and the ability to walk from one location to another in a pedestrian friendly environment. That was seen as an opportunity when approached by the applicant's representative for the vacation of Engle Street, as an opportunity to have some connectivity between the transit corridor, the higher density multi-family development that was occurring in the area, and also the high school to the west. Engle Street was not yet vacated; therefore, if it were not vacated, the developer would be dedicating 30 feet of that right-of-way because Engle Street was a 60 foot right-of-way. So, it was not that they were giving 20 feet, the City was giving the applicant 10 feet if Engle Street was vacated. If the vacation request was not granted, there was still a dedication requirement of 30 feet on the north side of the site.

Clete Kus of Public Works stated if there was a motion to approve the application, he would request that the following two conditions be added: 1. All streets adjacent to the development shall be paved with curb and gutter prior to the final inspection of the first building, and 2. A traffic study shall address traffic mitigation within North 5th Street adjacent to the site.

Mr. Gronauer accepted the additional conditions suggested by Mr. Kus.

Commissioner Aston asked the width of the right-of-way on Engle Street. Mr. Gronauer responded it was 60 feet. Commissioner Aston suggested if there was a concern for a pedestrian friendly environment, that there be narrower right-of-ways on the streets. Ms. Stewart explained the site plan depicted a 20 foot trail on the north side and Staff had asked the applicant to work with them to coordinate with the Camden property to the north and work with the Parks and Recreation Staff and the Police Department on the Crime Prevention Through Environmental Design (CPTED) concerns to potentially widen the pedestrian area so it was easier to light and create a safe corridor. Staff was advised by the Police Department and Parks and Recreation that 30 to 40 feet was preferable to the 20 feet; so, Staff was asking the applicant's representative to work with them to share the trail section, so that the burden was not all on Trammel Crow or Camden. Commissioner Aston asked if Public Works was still requesting a 60 foot wide street. Ms. Stewart responded the Public Works and Utilities Departments had determined that the area was not needed as a street corridor, so it could be vacated; but, Staff saw it as a potential opportunity for pedestrian connection. Commissioner Aston asked Mr. Gronauer if the application could be continued. Mr. Gronauer responded he did not want the application continued, as this application was not impact by the trail. The Camden application, which was being heard by City Council, would be impacted, as they would have to provide 20 feet also, which was not shown on their site plan.

Ms. Stewart explained Staff did not have a problem with the Trammel Crow application going forward, they would just like to be able to work out a pedestrian corridor.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF CONDITION NOS. 42 AND 43 TO READ:

42. ALL STREETS ADJACENT TO THE DEVELOPMENT SHALL BE PAVED WITH CURB, GUTTER, AND SIDEWALK PRIOR TO FINAL INSPECTION OF THE FIRST BUILDING.
43. TRAFFIC STUDY SHALL ADDRESS TRAFFIC MITIGATION WITHIN NORTH FIFTH STREET ADJACENT TO THE SITE.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

- 25. SPR-18-07 (28942) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A 379-UNIT MULTI-FAMILY DEVELOPMENT. WAIVERS FROM THE DESIGN STANDARDS ARE ALSO REQUESTED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007 AND 124-22-801-011. (CONTINUED MARCH 14 AND 28 AND APRIL 11, 2007)**

The application was presented by Robert Eastman, Principal Planner who stated the applicant had submitted a revised landscape and amenities plan for the multi-family development. The Public Works Department recommended approval of the proposed parking waiver; however, the revised amenities plan reduced the amount of open space provided and specifically removed a large amount of open space amenities; therefore, the Parks and Recreation Department was recommending that the application be denied. The Planning and Zoning Department does not support the requested landscaping buffer reductions and recommends denial of that waiver request; therefore, Staff was recommending that SPR-18-07 be denied. Should the Commission determine approval was warranted, the following conditions are 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 20 foot wide landscape buffers along the south & east property lines.
 - b. Pedestrian connectivity between the subject property and the adjoining commercial properties to the south and east.
3. Pedestrian crossings shall be constructed of textured and dyed concrete and/or brick pavers.
4. Submit a detailed landscape plan to the Planning & Zoning Department for review and approval

5. Open space area 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.
 - a. Circuitous lighted paths and fitness course;
 - b. A minimum of twenty 24-inch box trees per acre;
 - c. A minimum of two swimming pools (no less than 1,700 square feet of total swimming pool area) with accompanying decking, barbecue areas, and shade structures at each location.
 - d. At least two (2) differing, age appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface (2 play structures total) or comparable facilities as approved by staff. Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes;
 - e. Shaded group picnic areas at a minimum of four different locations (including designated pool areas), which are generally to include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include 30' diameter, lighted shade structure that can accommodate a large group gathering.
 - f. At least one large open space area for group/organized play.
 - g. Two sport courts (i.e. basketball, sand volleyball, tennis, etc.) and/or other amenities such as a pet park or putting green course.
 - h. Benches spaced along pathways;
 - i. Bicycle racks at 1-2 different locations;
 - j. Dog stations at grassy areas along pathways;
 - k. ADA accessibility; and
 - l. Details of amenities to be provided.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
8. Maximum retaining wall height is 6-feet.
9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. A queuing analysis is required.

11. 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.
12. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
13. The driveway unto Rome Boulevard at the northeast corner of the site must be marked "exit only, emergency access" and must meet Fire Department slope requirements.
14. The applicant shall submit a parking study for review and approval.
15. 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:
 - I. Rome Boulevard
 - ii. Goldfield Street
 - iii. associated spandrels
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
18. A revocable encroachment permit for landscaping within the public right of way is required.
19. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
20. Full width, temporary, AC pavement shall be constructed from the northeast corner of the property to North 5th Street along the Rome Boulevard alignment.
21. 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.

22. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
23. 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.
24. All off-site improvements must be completed prior to final inspection of the first building.
25. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
26. A site directory should be posted at all gates to the property. Each building should have an address and an unit number clearly displayed and illuminated. Way signs should be posted in walking areas to provide quick guide to given address. Address maps should be printed and provided to emergency services in advance to aid more efficient response time. Care should also be taken to ensure that there is adequate parking, so that no illegally parked cars hinder emergency response.

Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant along with Tyler Jones, one of the principals of Blue Heron. Mr. Celeste explained this was a for-sale product with 379 condominium units that were composed of one and two bedroom units. Associated with the application was a landscape waiver to reduce the landscaping to 10 feet along the east and south property lines, which was bordered next to commercial properties. With the reduction, they would put a double row of trees. They met all of the open space, as far as the total square footage provided. He stated they submitted a new amenities plan and were in concurrence with the conditions recommended if the application was approved, except for Condition No. 5.d, because the development was geared toward first time home buyers and would be marketed toward the young professional who was most likely single or young couples. If there were children in the development, there was a school across the street which would provide play structures for the children. Mr. Celeste also asked that Condition No. 2.a be amended to read: "A minimum of 10 foot wide landscape buffers along the south & east property lines, with a double row of trees". He also asked that Condition No. 20 be deleted, as it was not the applicant's property.

Commissioner Jay Aston asked the applicant the second condition he was referring to. Mr. Celeste responded on Condition No. 2.a he asked for a minimum of a 10 foot wide landscape buffer along the south and east property lines with a double row of trees and the

second request was that Condition No. 5.d be stricken and also asked that Condition No. 20 be deleted. Commissioner Aston stated he was okay with reducing the landscape buffer and adding a double row of trees; however, he was not in agreement with the reduction of the tot lots, as he could not believe with the number of units in the development, that there would not be children living there and wanted the condition to remain. He inquired if Staff was asking for the temporary access road because there was no other access to the site. Mr. Celeste responded there was access to the site from Goldfield Street. Commissioner Aston suggested Condition No. 20 might be amended to add the wording, "to be reviewed with Staff when development should take place".

Tyler Jones of Blue Heron, 2450 Chandler Avenue explained the commercial five acres directly to the south of the property was developed, so when you headed north on Goldfield Street, the right-of-way was completed on both sides of the street, so there was full access from Centennial Boulevard to the proposed development.

Randy Cagle of Public Works explained the previous application had a requirement to build Rome Street 32 foot wide from Goldfield Street to North 5th Street, which would require them to do a 14 foot overpave onto that property where there was no right-of-way dedicated and there was a condition, which was accepted, that they would have to get that necessary roadway easement. He was concerned about who would be the first one to build, if the parcel identifies No. 4 was the first to build, there was no issue because they now had the 32 foot of pavement between Goldfield and 5th Street and 5th Street was under construction at this time by the development on the east side; but, if Parcel No. 5 comes in, there would be a horrendous problem with not having adequate pavement to support all of the cars that would be cutting through there because of the school on the west side of Goldfield Street. Commissioner Aston stated that was why he was recommending that Condition No. 20 be amended. Mr. Cagle stated the condition could be amended to allow Public Works to make that determination.

Commissioner Dean Leavitt agreed with Commissioner Aston regarding the tot lots and felt they should not be removed.

Mr. Celeste stated the applicant was willing to keep the tot lots.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 2.A AND 20 AMENDED TO READ:

- 2.A. A MINIMUM OF 10 FOOT WIDE LANDSCAPE BUFFERS ALONG
THE SOUTH & EAST PROPERTY LINES WITH A DOUBLE ROW OF
TREES.

20. FULL WIDTH, TEMPORARY, AC PAVEMENT SHALL BE CONSTRUCTED FROM THE NORTHEAST CORNER OF THE PROPERTY TO NORTH 5TH STREET ALONG THE ROME BOULEVARD ALIGNMENT, OR AS OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC WORKS.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

26. T-1286 (28954) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR A TENTATIVE MAP IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF A 379-UNIT CONDOMINIUM DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007 AND 124-22-801-011. (CONTINUED MARCH 14 AND 28 AND APRIL 11, 2007)

The application was presented by Robert Eastman, Principal Planner who stated, since SPR-18-07 was approved, Staff was recommending approval of T-1286 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. This application is void if SPR-18-07 is denied by the Planning Commission.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. Maximum retaining wall height is 6-feet.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. A queuing analysis is required.
8. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.
9. 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.

10. 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.
11. The driveway unto Rome Boulevard at the northeast corner of the site must be marked "exit only, emergency access" and must meet Fire Department slope requirements.
12. The applicant shall submit a parking study for review and approval.
13. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Rome Boulevard
 - b. Goldfield Street
 - c. associated spandrels
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. 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.
16. A revocable encroachment permit for landscaping within the public right of way is required.
17. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
18. Full width, temporary, AC pavement shall be constructed from the northeast corner of the property to North 5th Street along the Rome Boulevard alignment.
19. 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.
20. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
21. 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.

22. All off-site improvements must be completed prior to final inspection of the first building.
23. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
24. Must comply with all conditions submitted by the Southern Nevada Health District including but not limited to:
 - a. Written verification from the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the **Tentative Map** or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.
 - b. The Fire Protection Water lines will adhere to the UDACS separation requirements of subsections 2.20.01, 2.19, and 2.04 as nonpotable water lines (i.e. 6' minimum horizontal separation and 6" minimum vertical separation from potable water lines).
 - c.. Separation of the Fire Water lines from the storm and sanitary lines (i.e. 5' - 6' minimum horizontal separation) should be maintained in order to protect the offsite potable water after the backflow prevention device.
 - d. A letter from the appropriate sewer agency stating that service from the existing system of community sewerage will be extended to the subdivision and the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service or that the facility will be expanded to provide for the added service.
 - e. A letter from the appropriate water utility stating that it will supply water for domestic and fire protection purposes, that the system has the necessary facilities to treat water to meet the standards of the Water Supply Regulations Part 1, and that the capacity is available to meet the demands upon the system.
 - f. Written verification from the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the **Final Map** or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.

Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

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

27. UN-15-07 (28943) SHADE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR A USE PERMIT IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW 40 FOOT HIGH BUILDINGS WHERE 35 FEET IS THE MAXIMUM ALLOWED. THE PROPERTIES ARE LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007, AND 124-22-801-011. (CONTINUED MARCH 14 AND 28 AND APRIL 11, 2007)

The application was presented by Robert Eastman, Principal Planner who stated since SPR-18-07 was approved, the Commission was in support of the height requested; therefore, Staff was recommending approval of UN-15-07 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. This use permit is site specific and non transferrable.
3. All buildings located within 75 feet from the west property line along Goldfield Street shall be 35 feet in height or less.
4. The subject development shall comply with all the requirements of SPR-18-07.

Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Robert Browning, 6504 Amanda Michelle, North Las Vegas, NV 89086** stated his concern regarding applications that had been approved against Staff recommendation. He felt the building height should have been left at the 35 foot maximum allowed and was concerned with the traffic that would be caused by the higher densities in the area.

Chairman Brown closed the Public Hearing.

Mr. Celeste explained conditions had been added to be sure the off-site improvements were in place prior to the first building inspection and pointed out the master plan in the area allowed up to a 60 foot height for the buildings.

Commissioner Jay Aston explained some of the decisions made had complex issues related to the North 5th Street corridor and there was a need for increased density in that area, but under the current zoning restrictions, the Master Plan had been changed, but the zoning ordinance had not yet been changed, so Staff was in a position where they must recommend denial, but there were conditions recommended should the application be approved.

Commissioner Ned Thomas agreed with Commissioner Aston and appreciated Mr. Browning's comments and clarified that North 5th Street was not just about density, the City was not getting what was in the North 5th Street Transit Supportive Concept Plan, but were getting a different version, which was not necessarily bad, but the density was needed to support the transit that would be built on North 5th Street. The question should not be what was right for a particular development, but what was right for the City and what was right for the developments that were adjacent to each other.

Commissioner Dean Leavitt agreed with comments made by Commissioners Aston and Thomas.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Commissioners Leavitt, Shull, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: None

PUBLIC FORUM

- **Robert Browning, 6504 Amanda Michelle, North Las Vegas, NV** spoke regarding the development along North 5th Street.
- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081** spoke regarding the upcoming amendments to Title 17.

DIRECTOR'S BUSINESS

Planning and Zoning Director Jory Stewart informed the Commission there would be a Special City Council meeting on May 2, 2007 at 4:30 p.m. regarding the scope of work on the Title 17 rewrite by Clarion and Associates.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 8:51 p.m.

APPROVED: May 23, 2007

/s/ Steve Brown
Steve Brown, Chairman

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