

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

June 13, 2007

Website - <http://www.cityofnorthlasvegas.com>

**BRIEFING:** 5:40 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

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

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

**STAFF PRESENT:** Jory Stewart, Planning & Zoning Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Naveen Potti, Planner  
Nick Vaskov, Deputy City Attorney II  
Bethany Sanchez, Deputy City Attorney II  
Jennifer Doody, Development & Flood Control  
Eric Hawkins, Public Works  
Janice Carr, Fire Department  
Michelle Menart, Parks Planner  
Jose Rodriguez, Police Department  
Bob Locher, Utilities  
Jo Ann Lawrence, Recording Secretary

**WELCOME:** Chairman Steve Brown

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

**PLEDGE OF ALLEGIANCE:** Commissioner Dean Leavitt

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING  
OF MAY 9, 2007.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

**Item No. 4 was heard next.**

**NEW BUSINESS**

1. **UN-51-07 (30045) GOLDEN PHOENIX CHINESE CUISINE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GOLDEN PHOENIX CHINESE CUISINE ON BEHALF OF AV NEVADA 2 LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF BEER AND WINE IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 2345 EAST CENTENNIAL PARKWAY, SUITE 116. THE ASSESSOR'S PARCEL NUMBER IS 124-26-501-004.**

The application was presented by Marc Jordan, Planning Manager who explained Staff had originally recommended continuance to allow the applicant to verify they met the minimum seating requirement of 45 for a restaurant with beer and wine sales. Since that time, the applicant had submitted a floor plan that confirmed the seating requirement was met; therefore, Staff was recommending UN-51-07 be approved subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. The use permit is site specific and non-transferrable.
3. A floor plan, indicating the seating capacity of the restaurant, shall be submitted prior to the issuance of a business license for the "on sale" of beer and wine.

**Guogang Cao, 8047 Earl Grey Court, Las Vegas, NV 89117** concurred with Staff recommendation

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

2. **UN-52-07 (30127) CASHBACK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CASHBACK ON BEHALF OF DECATUR AND CENTENNIAL LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A DEFERRED DEPOSIT LOAN (PAYDAY LOAN AND CHECK CASHING) FACILITY AND AUTO TITLE LOAN FACILITY. THE PROPERTY IS LOCATED AT 6436 NORTH DECATUR BOULEVARD, SUITE 120. THE ASSESSOR'S PARCEL NUMBER IS 124-19-410-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant had submitted a survey showing they were not within 1,000 feet of a similar type use and were more than 200 feet from a Residential District. According to Title 17, there were four criteria that must be satisfied in order for a use permit to be granted and the applicant only satisfied one of them; therefore, Staff was recommending UN-52-07 be denied.

**Scott Sabraw, 8610 South Eastern Avenue #8, Las Vegas, NV 89123** appeared on behalf of the applicant and explained it was felt they satisfied all of the requirements for the use permit and indicated the floor space would be 1518 square feet which met the minimum criteria.

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

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt explained the Commission traditionally followed Staff's recommendations and was in agreement with Staff's recommendation and was not in support of the application.

Mr. Sabraw asked for clarification on what the health and safety issues were.

Deputy City Attorney Nick Vaskov explained one of the criteria was whether the use was necessary and desirable for the area, and felt Staff's main objection was to that criteria. He explained the use permit was discretionary, so the Commission could determine if the use should be approved.

**ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

**MOTION: Commissioner Leavitt**

**SECOND: Vice-Chairman Trivedi**

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

**NAYS: Commissioner Cato**

**ABSTAIN: None**

**3. VAC-12-07 (30161) ALIANTE NORTH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NORTH VALLEY ENTERPRISES LLC ON BEHALF OF THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, TO VACATE FIVE (5) DRIVE-WAY ACCESSES ON ALIANTE PARKWAY AND ELKHORN ROAD.**

The application was presented by Marc Jordan, Planning Manager who explained the Staff Report indicated there was an objection to the third area requested for vacation because the Utilities Department would like to see the water and sewer lines maintained; however, the applicant met with the Utilities Department prior to the meeting and their concerns were satisfied, so Staff was recommending approval for all five of the vacation requests listed in VAC-12-07 subject to the following condition:

1. The applicant will be required to provide a 30 foot utility easement.

**Rebeka DeWitt, 6655 South Cimarron Road, Las Vegas, NV 89113** 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 SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Thomas

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

**NAYS:** None

**ABSTAIN:** None

**Item No. 5 was heard next.**

4. **UN-56-07 (30158) DEER SPRINGS CROSSING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF NORTH 5<sup>TH</sup> STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-23-316-002.**

It was requested by the applicant to continue UN-56-07 to June 27, 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 JUNE 27, 2007

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

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

**5. UN-67-03 (30220) TERRIBLE HERBST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRIBLE HERBST ON BEHALF OF ASIF RIFFAT INVESTMENT LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO REDUCE THE REQUIRED PERIMETER AND PARKING LOT LANDSCAPING. THE PROPERTY IS LOCATED AT 335 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-311-012.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting a waiver of the required parking lot landscaping and berm along Commerce Street and was also asking to remove the required landscape islands at the end of the parking rows adjacent to the building. In the Letter of Intent, the request was based on the need to provide adequate fire lanes. Adequate fire lanes needed to be provided to meet Code; therefore they could not meet the requirement to put in a full six foot wide landscape island at the end of the parking row. From Staff's perspective, what has happened, was that the building was larger and there was not adequate space and to mitigate that, Staff proposed they put in a smaller landscaped end piece similar to the large palms at the front of the site at the end of the rows to provide some landscaping on the island. The other waiver request was to reduce or eliminate the berm or wall requirement along Commerce Street and there was a large grade difference between the parking lot and Commerce Street; so, a wall may not be necessary, but could be accomplished with vegetation; therefore, Staff felt a hedge row using similar plants as were on the site would be adequate. Staff was recommending that UN-67-03 be approved with Condition No. 3 on the original use permit amended to read:

3. That the development of this site shall be in compliance with the Commercial Design Standards with the following exceptions:
  - a. The building does not have to be located at the minimum setback line(s) nearest the front and/or corner of the site.
  - b. A row of shrubs that have a minimum height of three (3) feet planted four (4) feet on center can replace the required berm or wall along the Commerce Street frontage.
  - c. Landscaped circular islands with a minimum three (3) foot diameter, planted with small variety trees or palms be placed at the end of every row of parking located along the facade of the convenience store.

Commissioner Dilip Trivedi disclosed he worked for the applicant's architect and had been involved in discussions on the project and would be abstaining.

**Commissioner Dilip Trivedi left Chambers at 6:25 p.m.**

**Mike Kline, 132 Bosworth Drive** appeared on behalf of the applicant indicating he agreed with Staff's comments; but, explained they had gone over and beyond with the landscaping. In the front, they had tall palm trees and between each one there are large boulders. The area was elevated between two and three feet from the parking lot side looking toward Commerce Street. The landscape fingers would raise a hardship due to the existing utilities on the property.

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

Chairman Brown closed the Public Hearing.

Chairman Steve Brown asked the applicant if he did not agree with the options given by Mr. Eastman. Mr. Kline responded they were questioning the options, as he felt they were already meeting and exceeding the requirements, but they were not able to put large palm trees at the front corners of the buildings as requested. He thought they were being requested to put palm trees at the northwest, southwest, and northeast corners of the building, which was impossible due to everything that was already in place, especially the northwest corner, as there was an on-site fire hydrant located in that area. Chairman Brown asked Staff for clarification.

Mr. Eastman explained the recommendation was not to require the large palm tree at the entry to the building. He felt they could put a smaller similar design to match the overall theme of their site at the end of the rows and an island was to provide landscaping and protect the parking; but, while the cars in the row could not be protected, because of the need for a turning radius for fire, his proposal was to get some of the landscaping that would be at the end of the parking rows.

Commissioner Ned Thomas asked Staff if the project was approved as a building permit without the landscaping and then came back and also asked if the Lube Shop landscaping would mitigate some of the landscape on this project.

Mr. Eastman explained the building permit with the landscaping that was reviewed by the Planning Department was in compliance and approved. After completion, on an inspection of the site, Staff discovered the discrepancy from what was reviewed and what was on site. The applicant submitted new plans that had as-builts and that was when Staff discussed the fact that turf was not allowed; so, at that time the applicant could not meet the landscape requirements because of the islands and had to apply for a waiver.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION TO AMEND  
CONDITION NO. 3 TO READ:**

3. THAT THE DEVELOPMENT OF THIS SITE SHALL BE IN COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS WITH THE FOLLOWING EXCEPTIONS:

- A. THE BUILDING DOES NOT HAVE TO BE LOCATED AT THE MINIMUM SETBACK LINE(S) NEAREST THE FRONT AND/OR CORNER OF THE SITE.
- B. A ROW OF SHRUBS THAT HAVE A MINIMUM HEIGHT OF THREE (3) FEET PLANTED FOUR (4) FEET ON CENTER CAN REPLACE THE REQUIRED BERM OR WALL ALONG THE COMMERCE STREET FRONTAGE.
- C. LANDSCAPED CIRCULAR ISLANDS WITH A MINIMUM THREE (3) FOOT DIAMETER, PLANTED WITH SMALL VARIETY TREES OR PALMS BE PLACED AT THE END OF EVERY ROW OF PARKING LOCATED ALONG THE FACADE OF THE CONVENIENCE STORE.

MOTION: Commissioner Leavitt  
SECOND: Chairman Brown  
AYES: Commissioners Leavitt, Cato, and Thomas  
NAYS: Chairman Brown  
ABSTAIN: Vice-Chairman Trivedi

**Commissioner Trivedi returned to Chambers at 6:32 a.m.**

**6. UN-55-07 (30142) CAMINO AL NORTE OFFICE PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ANGELA D. RAWLS ON BEHALF OF CAMINO AL NORTE VENTURES LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-P PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CHILD CARE CENTER. THE PROPERTY IS LOCATED AT 5175 CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-718-004.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was asking for a child care center with a maximum occupancy of 100 children. The site met the Commercial Design Standards and Staff was in support of the use permit. The use did not seem to create a negative impact on the neighborhood; therefore, Staff was recommending that UN-55-07 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, ordinances and the Commercial Development Standards and Design Guidelines:
2. UN-55-07 is site specific and non-transferable.
3. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
4. The developer shall provide a meter and backflow prevention for each building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
5. A building code analysis on the existing building to include fire rating of the exterior walls, construction type, et al, is required. An assumed boundary line between Building "F" and adjacent buildings needs to be provided showing the setbacks.

Commissioner Dilip Trivedi disclosed he would be abstaining as he was working on the proposed project.

**Commissioner Trivedi left Chambers at 6:33 p.m.**

**Rick Abelson, owner of Camino Norte Office Park, 2610 West Horizon Ridge, Suite 201-G, Henderson, NV 89052** appeared along with the applicants stating he concurred with Staff recommendation with the exception of Condition No. 4. He explained the applicant got an approval on the project from the Utility Department in February 2006, which would allow them to put two water meters for the entire 10 buildings.

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

Chairman Brown closed the Public Hearing.

Chairman Steve Brown questioned if the previous approval would override Condition No. 4. Nick Vaskov, Deputy City Attorney suggested Condition No. 4 be amended to add the wording “unless otherwise approved by the Director of Utilities”.

Commissioner Dean Leavitt was in support of the application.

Commissioner Jo Cato was in support of the application.

**Angela Rawls, 5505 Mustang Street, Las Vegas, NV 89130** indicated they would be submitting an amendment because they had to reclassify as an educational institution and not a child care facility.

Chairman Brown asked Staff if the applicant would still be able to get the use permit and operate before they submitted the amendment. Marc Jordan, Planning Manager responded the application presented was for a child care center and was all that was being considered. The applicant would be submitting a letter for evaluation to see how the use fell into the Code, but, most likely, they had indicated they were a school and if that was the case, they would need to come back with a new special use permit for a school, which would have to go through the whole process again and would also be considered by City Council.

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

4. THE DEVELOPER SHALL PROVIDE A METER AND BACKFLOW PREVENTION FOR EACH BUILDING PER CITY OF NORTH LAS VEGAS MUNICIPAL WATER SERVICES DISTRICT SERVICE RULES AND REGULATIONS, UNLESS OTHERWISE APPROVED BY THE DIRECTOR OF UTILITIES.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Cato

**AYES:** Chairman Brown, Commissioners Leavitt, Cato, and Thomas

**NAYS:** None

**ABSTAIN:** Vice-Chairman Trivedi

**7. VN-14-07 (30034) MARIN RESIDENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAFAEL MARIN, PROPERTY OWNER, FOR A VARIANCE IN AN R-EL RANCH ESTATES LIMITED DISTRICT TO ALLOW A TEN (10) FOOT REAR YARD BUILDING SET BACK WHERE TWENTY (20) FEET IS REQUIRED. THE PROPERTY IS LOCATED EAST OF SIMMONS STREET AND APPROXIMATELY 150 FEET SOUTH OF COLTON STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-08-810-002.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to construct an approximate 3400 square foot home and could not meet the rear setback. The applicant indicated that other homes in the neighborhood had also received variances for reductions and felt that enabled them to receive one also. The proposed site was 10,000 square feet and the model home chosen for the site was of a size and shape that did not meet the setback requirements for the Ranch Estates Limited District, which Staff felt was self-imposed as the applicant could choose and build a different home model that would be in compliance with the setback requirements. To address the applicant's concerns, some of the other variances that were approved in the neighborhood were for lots that were less than 10,000 square feet and needed to meet the setback requirements; therefore, Staff did not feel a precedent had been set and was recommending that VN-14-07 be denied.

**Keith Holbert, 22 Gulf Crest Court, Henderson, NV** appeared on behalf of the applicant explaining the home was 2400 square feet instead of 3400 indicated and there were two new homes in the area that were approximately the same size with 10 foot setbacks.

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

Chairman Brown closed the Public Hearing.

Chairman Brown did not understand why a 2400 square foot house would not fit on a 10,000 square foot lot without being able to comply with the setbacks.

Mr. Holbert explained 20 feet was taken by the City to widen Simmons Street. Chairman Brown asked if the applicant no longer had a 10,000 square foot lot. Mr. Holbert responded the lot was still 10,000 square feet but was previously 120' X 100' and was now 100' X 100'.

Commissioner Dilip Trivedi disagreed with the applicant's argument regarding the adjacent property owners variance requests and was in support of Staff's recommendation for denial.

Commissioner Dean Leavitt questioned Mr. Holbert if he was the contractor. Mr. Holbert explained the applicant was his secretaries' brother and would be building the home himself. Commissioner Leavitt felt there was a lack of communication and suggested the applicant find a home plan that fit on the lot and was in support of Staff's recommendation.

ACTION: DENIED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

**8. UN-53-07 (30135) CHEYENNE WEST CORP CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHARD STEELE BOXING CLUB ON BEHALF OF SOUTH TECH DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR ATHLETIC TRAINING FACILITY. THE PROPERTY IS LOCATED AT 2475 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-040.**

The application was presented by Naveen Potti, Planner who explained the proposed facility was approximately 4,186 square feet with a total height of 24 feet. The parking regulations required one parking space per 100 square feet of gross floor area. The total parking required by the applicant was 42 spaces and the whole development had 65 parking spaces and there were several other businesses at that location; so, the parking requirements could not be met, so Staff was recommending denial of UN-53-07. Should the Commission determine approved was warranted, the following conditions were recommended:

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. A minimum of 42 parking spaces shall be provided (or) a parking study to demonstrate the compliance of parking requirements for the entire development.
4. The applicant shall submit a traffic study update for review and approval.
5. The developer shall provide a meter and backflow prevention per building as per City of North Las Vegas Municipal Water Services District rules and regulations.

**Richard Steele, 2438 Antler Point Drive, Henderson, NV 89074** explained he was trying to move his facility to North Las Vegas and felt the proposed location was suitable and did not feel the parking would be a problem because most of the children arrived between the hours of 4:30 and 5:30 p.m. and were not of driving age.

Chairman Steve Brown clarified there would not be more than 30 members as indicated in the Letter of Intent. Mr. Steele responded 30 children was the maximum that could be taught at one time. Chairman Brown indicated the main concern was the parking issue.

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

Chairman Brown closed the Public Hearing.

Commissioner Jo Cato questioned Staff if the application could be approved based on the hours of operation. Mr. Jordan explained a similar application for a church was approved with a condition similar to Condition No. 3, which limited the hours of operation and pointed out the Letter of Intent indicated hours of operation that were during the time other businesses were in operation, so a condition limiting the hours to after 5:00 p.m. would not work.

Mr. Steele explained the facility might be open earlier in the day, but was for private training only.

Chairman Brown explained to the applicant that Condition No. 3 required 42 parking spaces or a parking study demonstrating they could operate with less parking spaces.

Commissioner Ned Thomas questioned Staff if, in the past, applications had been approved where there was a question on parking and suggested the application be approved and in one year the applicant could come back, and if there was a problem, it could be addressed at that time. He suggested Condition No. 3 be replaced with a condition that the parking would be reevaluated in one year.

Planning and Zoning Director Jory Stewart commented the use permit could be reviewed in one year and could also limit hours of the youth boxing to after 5:00 p.m. during the week and Saturdays only, which was consistent with what was requested in the Letter of Intent. The earlier hours of operation, Monday through Friday, would be limited to the adult individual training, not to exceed six to ten adults which might not present a parking problem and could also be evaluated in one year.

Nick Vaskov, Deputy City Attorney suggested a condition be added, so the Director of Planning Zoning would review the status of the parking in one year and if it was determined there was a problem with the parking, it could be directed that the application go back to the Commission for further review. Chairman Brown asked if there was wording for the condition.

Commissioner Dilip Trivedi asked the square footage of the portion of the building not occupied by the applicant and suggested there be an addition to the Code for non-simultaneous occupancy. Director Stewart explained in flex space for industrial, the parking requirements were not as stringent as commercial and a school use that might require more parking spaces, was typically in a commercial center. The square footage was calculated at approximately 28,000 square feet for the entire building and the applicant would occupy two suites for a total of 4,000 square feet. Director Stewart explained the parking standard was based on gross square footage and on a use that was typically in a commercial center.

Commissioner Thomas agreed the application should be reviewed in one year.

Commissioner Dean Leavitt was in support of the use and felt the facility was needed in the community.

Marc Jordan, Planning Manager indicated Condition No. 3 would be amended to read: "The use permit shall be reviewed on June 13, 2008 by the Director of Planning and Zoning to determine adequate parking for the entire site. Should the Director of Planning and Zoning determine parking is inadequate, the use permit shall be brought before the Planning Commission to determine whether additional parking mitigation measures are needed and/or continuation of the use." Mr. Jordan also added Condition No. 6 to read: "Hours of operation shall be limited as shown in the Letter of Intent dated April 15, 2007."

Chairman Brown asked the applicant if he agreed with the recommended conditions with the amendments. Mr. Steele concurred with the conditions.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 3 AMENDED AND CONDITION NO. 6 ADDED TO READ:

3. THE USE PERMIT SHALL BE REVIEWED ON JUNE 13, 2008 BY THE DIRECTOR OF PLANNING AND ZONING TO DETERMINE ADEQUATE PARKING FOR THE ENTIRE SITE. SHOULD THE DIRECTOR OF PLANNING AND ZONING DETERMINE PARKING IS INADEQUATE, THE USE PERMIT SHALL BE BROUGHT BEFORE THE PLANNING COMMISSION TO DETERMINE WHETHER ADDITIONAL PARKING MITIGATION MEASURES ARE NEEDED AND/OR CONTINUATION OF THE USE.
6. HOURS OF OPERATION SHALL BE LIMITED AS SHOWN IN THE LETTER OF INTENT DATED APRIL 15, 2007.

**MOTION:** Commissioner Cato

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

**9. UN-54-07 (30134) CANNERY CORNER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BRAD ERVIN ON BEHALF CANNERY CORNER LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-201-039.**

The application was presented by Naveen Potti, Planner who explained the proposed drive-thru convenience food restaurant was 2,000 square feet and would have 1200 square feet of public floor area and the remaining area would be for food preparation and restrooms. The proposed use would require 28 parking spaces but since the business was located in a shopping center, the other two required parking spaces could be accommodated from the center's parking lot; therefore, Staff was recommending approval of UN-54-07 subject to the following conditions with the deletion of Condition No. 3:

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. A minimum of 28 parking spaces shall be provided (or) a parking study to demonstrate the compliance of parking requirements for the entire development.
4. The applicant shall submit a traffic study update for review and approval.
5. The developer shall provide a meter and backflow prevention per building as per City of North Las Vegas Municipal Water Services District rules and regulations.
6. A looped water system may be required, subject to review and approval of the Utilities Department.
7. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
8. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

**Brad Erwin, 5785 Centennial Center Boulevard, Las Vegas, NV 89149** 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 SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
THE DELETION OF CONDITION NO. 3

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Thomas

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

**NAYS:** None

**ABSTAIN:** None

**10. SPR-29-07 (30154) BROADSTONE ELDORADO. AN APPLICATION SUBMITTED BY BROADSTONE ELDORADO LLC ON BEHALF OF PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A 408 MULTI-FAMILY UNIT DEVELOPMENT ON 19 ACRES. THE PROPERTY IS GENERALLY LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 240 FEET WEST OF CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-501-006.**

The application was presented by Naveen Potti, Planner who explained the subject property met all requirements for parking and the Parks and Recreation Department had issued a new memorandum indicating the applicant met the open space and amenities requirements; therefore, Staff was recommending approval of SPR-29-07 subject to the conditions listed in the revised memorandum dated June 13, 2007 with Condition No. 5.a amended to read: "Circuitous lighted paths," and Condition No. 5.g amended to read: "Two sport courts (i.e. basketball, sand volleyball, tennis, etc.) and/or other amenities, as approved by Staff." The original recommended conditions are as follows:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. Approval of SPR-29-07 does not include site plan approval for construction of the development.
3. The development shall comply with the Multi-Family Development Standards and Design Guidelines including but not limited to the following;
  - a. A minimum of 163,200 square feet of Open Space (75% usable) shall be provided within the site.
  - b. A minimum of 80 square feet of Patio and 40 square feet of Balcony area shall be provided.
  - c. Provide a 25 foot perimeter landscape buffer shall be provided along Ann Road and Camino Al Norte.
  - d. Pedestrian linkage shall be provided within the parking lot areas.
4. The outside-facing elevations of the single-story garage buildings and accessory structures shall include architectural details such that they match the elevations of the club house including, but not limited to, pop-outs and false or real windows.

5. That the following list of minimum amenities shall be provided:
  - a. Circuitous lighted paths and fitness course;
  - b. A minimum of twenty 24-inch box trees per acre;
  - c. 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). Shade structures shall also be provided adjacent to play structure locations for supervision purposes and may also include picnic/barbecue facilities (as described in "Item f", below);
  - d. A minimum of 1,836 square feet of total swimming pool area, with accompanying decking, restrooms, drinking fountains, and shaded picnic facilities (as described in "Item f", below).
  - e. A minimum of one (1) clubhouse and one (1) fitness facility;
  - f. Shaded group picnic areas at a minimum of four different locations, which generally include lighting, picnic table(s), gas barbecue grills, and trash receptacle(s). At least one of these locations shall include a large shade structure that can accommodate a group gathering. In addition, a furnished outdoor living area may be provided in lieu of one of the smaller shaded picnic areas;
  - 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. At least one large open space area for group/organized play;
  - i. Benches spaced along pathways;
  - j. Bicycle racks at 1-2 different locations;
  - k. All open space areas and amenities shall be ADA accessible and developed in compliance with the CNLV 2004 Park Design Standards; 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. Driveway to line up with Edna Crane on the east side of Camino Al Norte.
9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. A queuing analysis is required.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road and Camino Al Norte.

12. 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.
13. 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.
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. 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.
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; counterclockwise from the main entrance.
18. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
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 minimum thickness of the pavement sections will be determined by the Department of Public Works.
21. 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.
22. 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.

23. All off-site improvements must be completed prior to final inspection of the first building.
24. Fire access lanes shall be located in accordance with Fire Code requirements.
25. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
26. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED JUNE 13, 2007 WITH CONDITION NOS. 5.A AND 5.G AMENDED TO READ:

5.A. CIRCUITOUS LIGHTED PATHS

5.G. TWO SPORT COURTS (I.E. BASKETBALL, SAND VOLLEYBALL, TENNIS, ETC.) AND/OR OTHER AMENITIES AS APPROVED BY STAFF

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

**Item No. 13 was heard next.**

11. **SPR-30-07 (30164) PECOS AND WASHBURN. AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF RON BURES DEVELOPMENT LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT FOR A 14.2-ACRE INDUSTRIAL OFFICE PARK. THE PROPERTY IS LOCATED EAST OF PECOS ROAD AND APPROXIMATELY 130 FEET SOUTH OF WASHBURN AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-31-301-002, 123-31-301-003, 123-31-301-006, AND 123-31-301-011.**

It was requested by the applicant to continue SPR-30-07 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

12. **T-1298 (30162) PECOS AND WASHBURN. AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF RON BURES DEVELOPMENT LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A 14.2-ACRE INDUSTRIAL/OFFICE PARK. THE PROPERTY IS LOCATED EAST OF PECOS ROAD AND APPROXIMATELY 130 FEET SOUTH OF WASHBURN AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-31-301-002, 123-31-301-003, 123-31-301-006, AND 123-31-301-011.**

It was requested by the applicant to continue T-1298 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

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

**OLD BUSINESS**

13. **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. (CONTINUED APRIL 25 AND MAY 9, 2007)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant had submitted a new site plan and Letter of Intent. The new letter of Intent was requesting a reduction in the required landscaping along both Losee Road and Lone Mountain Road; however, the revised site plan, as submitted, showed the required dedications that Public Works requested, and once those dedications were shown, the site now had a number of buildings that were no longer in compliance with the setback requirements. Buildings 1, 5 and 6 were not in compliance and Building 4, on the revised site plan, appeared to be in the same place that it was in the original site plan; however, it may or may not be in compliance with setbacks, since the property line had shifted in the new site plan, so that had not yet been determined. Staff was recommending UN-36-07 be continued so the site plan could be amended so the Commission had the opportunity to see what the revised site plan would look like, as to meet the setback requirements, the buildings would need to be shifted, which would impact the parking and the site plan. Should the Commission desire approval, the following conditions, listed in the revised memorandum dated June 13, 2007, are recommended:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances and the Commercial Development Standards and Design Guidelines including but not limited to:
  - a. UN-36-07 shall be null and void if AMP-06-07 and ZN-101-07 are not approved by the City Council;
  - b. UN-36-07 is site specific;
  - c. Perimeter landscaping, including sidewalk, shall be 25 feet;
2. The site shall be redesigned to meet setback requirements.
3. Approval of a traffic 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 Lone Mountain Road and Losee Road.
5. Right-of-way **dedication and construction** of a **flared intersection**, including a right turn lane, is required at Lone Mountain Road and Losee Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
6. Right-of-way **dedication and construction** of a **CAT bus** turn-out is required on Losee Road north of Lone Mountain Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
7. 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.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. Approval of a drainage study is required prior to submittal of the civil improvement plans.
10. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
11. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.
12. Losee Road half street improvement must be constructed to the north side of the Upper Las Vegas Wash Channel bridge crossing.
13. Dedication of an additional 20' of right of way is required for a trail system along the side of the Regional Flood Control Facility at the southeast corner of the property and at the northwest corner of the property.
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. The property owner is required to sign a restrictive covenant for utilities.

16. 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.
17. A revocable encroachment permit for landscaping within the public right of way is required.
18. 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.
19. All off-site improvements must be completed prior to final inspection of the first building.
20. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
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. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
25. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
26. The sewer main in Losee Road is at capacity. The developer will be required to oversize the existing 8 inch sanitary sewer main to 36 inch from manhole to manhole along front footage of Losee Road. The works need to be completed prior to the completion of Losee Road Improvement Project.

**Sheldon Colen, 180 Cassia Way** appeared on behalf of the applicant explaining the application was submitted on March 12, 2007 and heard by the Commission on May 9, 2007 and he had agreed to a continuance and had been working with Staff to resolve all

of their concerns. He asked to be allowed to move forward with the project, indicating he concurred with the recommended conditions and would work with Staff on redesigning the site.

Chairman Steve Brown asked if the recommended conditions incorporated the requested waivers. Mr. Eastman responded the conditions did not incorporate the waivers, but incorporated what Staff would like to see and required compliance with the setbacks. If the Commission chose to approve with the conditions, that would satisfied what had been requested by Staff.

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

Chairman Brown closed the Public Hearing.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED JUNE 13, 2007

**MOTION:** Commissioner Leavitt

**SECOND:** Vice-Chairman Trivedi

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

**NAYS:** None

**ABSTAIN:** None

14. **ZN-84-06 (27969) CASA AL VENTO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JUPITER GOLF COMPANY ON BEHALF OF JUPITER GOLF COMPANY OF LAS VEGAS LP, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-2 GENERAL COMMERCIAL DISTRICT TO AN MUD MIXED USE DEVELOPMENT (MX-2) DISTRICT CONSISTING OF APPROXIMATELY 55,600 SQUARE FEET OF RETAIL SPACE, 24,600 SQUARE FEET OF COMMERCIAL OFFICE SPACE, AND 400 RESIDENTIAL UNITS. THE PROPERTY IS GENERALLY LOCATED NORTH OF CRAIG ROAD AND 620 FEET EAST OF COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-601-009. (CONTINUED DECEMBER 13, 2006 AND JANUARY 10, 2007)**

The application was presented by Naveen Potti, Planner who explained the project was previously called Jupiter Golf and had been changed to Casa Al Vento. The open space requirements were reviewed by Staff and the Parks and Recreation Department issued a new revised memorandum stating all conditions had been satisfied; therefore, Staff was recommending approval of ZN-84-06 subject to the conditions listed in the revised memorandum dated June 13, 2007 with Condition No. 23.d amended to read: "A minimum of one swimming pool with a total area of 1,800 square feet and accompanying restrooms, decking, and shaded areas. Alternate water features may also satisfy some of the minimum pool area requirement, subject to review and approval by staff", and Condition No. 23.h amended to read: "One sport court (i.e. basketball, sand volleyball, tennis, etc.) or approved substitute may be provided as an alternative to the two play structures from provision "c" above". The original recommended conditions in revised memorandum dated June 13, 2007 are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That development shall comply with Mixed Use Development Standards, including but not limited to the following:
  - a. The residential land use type shall not occupy more than seventy-five percent (75%) of the entire site.
  - b. A minimum 10 feet of landscaping shall be provided between the right-of-way and any wall or fence along Goldcrest Drive.
  - c. Carports shall be prohibited in front of any commercial establishments.
  - d. A minimum of 93 bicycle parking spaces shall be provided for both commercial and residential uses.

3. All known geologic hazards shall be shown on the 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. A minimum width of five (5) feet must be provided from the edge of any proposed residential structure to the nearest fault and/or fissure.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
7. All off-site improvements must be completed prior to final inspection of the first building.
8. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
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. 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. 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.
13. The property owner is required to sign a restrictive covenant for utilities.

14. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
15. Dedication and construction of the following right of way is required:
  - a. 30' on Goldfield Street
  - b. Associated spandrel
16. The property owner shall dedicate the 20' feet x 20' feet easement for the trail/bridge as depicted on the site plan.
17. That the development comply with the appropriate Building Code requirements.
18. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
19. Fire access lanes shall be located in accordance with Fire Code requirements.
20. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
21. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
22. A looped water system may be required, subject to review and approval of the Utilities Department.
23. The following minimum amenities shall be required as part of the usable open space:
  - a. Circuitous lighted paths with marked pedestrian crossings
  - b. A minimum of twenty 24-inch box trees per acre
  - c. At least two locations providing 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (4 play structures total)
  - d. A minimum of one swimming pools with a total area of 1,800 square feet and accompanying restrooms, decking, barbecue areas, and shade structures. Alternate water features may also satisfy some of the minimum pool area requirement, subject to review and approval by staff.

- e. Shaded picnic areas, including picnic table(s), barbecue grill(s), trash receptacle(s) and drinking fountain(s). At least one of these shaded picnic areas shall include a large lighted, group shade area/ gazebo (20' diameter)
- f. A fitness facility
- g. At least one large open space area for group/organized play
- h. One sport court (i.e. basketball, sand volleyball, tennis, etc.) or approved substitute may be provided as an alternative to the two play structures from provision 3 above
- i. Benches spaced along pathways
- j. Bicycle racks at 2-3 different locations
- k. Dog stations
- l. All open space areas and amenities shall be ADA accessible and developed in compliance with the CNLV 2004 Park Design Standards
- m. Details of amenities to be provided

**Bill Curran of Ballard, Spahr, Andrews & Ingersoll, 300 South 4<sup>th</sup> Street, Las Vegas, NV 89101** appeared along with Brian Posoda of VTN Engineering on behalf of the applicant. Mr. Curran showed an overhead of the location and some visuals of the project. He explained there was a problem with the soils conditions and there were some fissures that zig zagged through the property and would require some remediation. At the front of the property, where the existing driving range facility was located, the fissures in that area had been remediated before it was built and had been checked by the engineers and there had been no failure of the remediation. The proposed project was designed so that residential areas were not located over the fissures and there were many design constraints on the property. Mr. Curran concurred with conditions recommended by Staff and agreed to the amendments to the Parks and Recreation Condition Nos. 23.d and 23.h. and indicated the architect on the project had some concerns with a couple of the conditions but they were asking for approval and would work with Staff regarding their concerns before the application was heard by City Council.

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

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt was in support of the application.

Commissioner Ned Thomas was in support of the application and asked about the pedestrian priority area. Brian Posoda explained where the pedestrian and recreation areas were located.

Commissioner Thomas explained when the mixed use ordinance was formulated, the percentage of residential use was put in as an ideal, not a hard and fast percentage and suggested that Condition No. 2.a be deleted. Mr. Posoda responded he would prefer that the condition be deleted, although they were in compliance with it.

Planning and Zoning Director Jory Stewart indicated Condition No. 2.a was redundant as the application was for a mixed use zone change and was subject to compliance with the site plan, unless the applicant applied for an amendment and felt the condition could be deleted.

Commissioner Dilip Trivedi asked if the rendering was giving the flavor of the type of buildings in the project or if they represented the actual buildings that would be built. Mr. Posoda responded the elevations presented were specific to the proposed project.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN MEMORANDUM DATED JUNE 13, 2007 WITH THE DELETION OF CONDITION NO. 2.A AND CONDITION NOS. 23.D AND 23.H AMENDED TO READ:

23.D. A MINIMUM OF ONE SWIMMING POOL WITH A TOTAL AREA OF 1,800 SQUARE FEET AND ACCOMPANYING RESTROOMS, DECKING, AND SHADE AREA. ALTERNATE WATER FEATURES MAY ALSO SATISFY SOME OF THE MINIMUM POOL AREA REQUIREMENT, SUBJECT TO REVIEW AND APPROVAL BY STAFF.

23.H ONE SPORT COURT (I.E. BASKETBALL, SAND VOLLEYBALL, TENNIS, ETC.) OR APPROVED SUBSTITUTE MAY BE PROVIDED AS AN ALTERNATIVE TO THE TWO PLAY STRUCTURES FROM PROVISION "C" ABOVE

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Thomas

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

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

15. **VAC-11-07 (29967) VACATION OF NELLIS BLVD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAMES B. ALDERMAN ON BEHALF OF BMC REALTY INC., PROPERTY OWNER, TO VACATE THE EASTERLY PORTION OF NELLIS BOULEVARD COMMENCING AT THE SOUTHEAST CORNER OF RANGE ROAD AND NELLIS BOULEVARD AND PROCEEDING SOUTH 780 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-201-001, 123-28-201-002, AND 123-28-101-008. (CONTINUED MAY 23, 2007)**

It was requested by the applicant to continue VAC-11-07 to July 11, 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 JULY 11, 2007

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

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

**16. SPR-28-07 (29995) LMBG INC. OVERFLOW PARKING AREA. AN APPLICATION SUBMITTED BY LMBG, INC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN ON-SITE STORAGE YARD. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF LONE MOUNTAIN ROAD AND BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-101-011. (CONTINUED MAY 23, 2007)**

The application was presented by Naveen Potti, Planner who explained the applicant expressed the desire to maximize the use of the site with employee parking as well as potential for on-site storage. Although the site was only being proposed for an overflow parking lot, the applicant states the proposal for industrial buildings could be planned in the near future. The applicant was also requesting a waiver for the Industrial Guidelines to reduce the perimeter landscaping from 20 feet to 10 feet along Berg Street and 11 feet along Lone Mountain Road and were also asking that the waiver request be approved with no expiration date, so future construction of the site would be allowed the same reduction. Staff was not in support of the landscape waiver and was recommending that SPR-28-07 be continued so the expansion or modifications to the site could be reviewed by Staff, which would require additional criteria and did not comply with the existing conditions.

**John Hamilton, Hamilton Civil Engineers, 3945 Pebble Creek, Las Vegas, NV 89147** appeared on behalf of the applicant indicating his client wanted to investigate other potential development options for the site and since the last hearing, more information had been obtained regarding SID 65, which was the Losee Roadway Improvements and currently, the SID plans are at about 30% completion. Part of the conditions of approval was the construction of Lone Mountain Road which was not acceptable to his client, since he would be a participant of the SID if and when it was formed, which would not be known for another six months. He explained the purpose of obtaining a waiver of the landscape buffer was so that another site plan could possibly be created and time would not be wasted trying to draw up a site plan that might not be congruent with Staff recommendations. He indicated there were conflicts within the Code, which the Planning Commission had not implemented the five foot landscape buffer behind back of sidewalk since December, 1999; however, it was his opinion that the site location was unique, as it was on the southwest corner of Lone Mountain Road and Berg Street, but was only one of two parcels of land on the west side of Berg Street and the adjacent Hirschey Masonry adjacent to the south of the site had their wall recessed five feet from the back of sidewalk. He felt it would be more aesthetically pleasing to have the wall along Berg Street to maintain continuity with the existing wall as opposed to having the 20 foot setback.

Commissioner Dilip Trivedi questioned the applicant why they were requesting waivers if there was no specific plan for the development of the property.

Mr. Hamilton explained originally the planned use for the site was to be an overflow parking area and storage facility in an agreement with a masonry company adjacent to the site; however, part of the conditions of approval was the construction of Lone Mountain Road. Lone Mountain Road would be constructed as part of SID 65 but since the SID was only at 30%, the developer was required to put in the full off-site improvements and then they would be removed when the road was built through the SID.

Commissioner Trivedi understood if there was no building, there was no site plan review, as there was nothing for the Commission to review.

Marc Jordan, Planning Manager indicated he was confused by the application, because what was before the Commission was a site plan review for a parking lot, and as part of that, they wanted to reduce the landscaping from 20' to 5' and were also discussing the off-sites. If the applicant was no longer going to use the site as a parking lot and were going to change the use, then it was premature to consider any waivers to the design standards, because Staff did not know what would be developed on the site. He explained the waiver should be considered once the applicant determined what would be developed on the site; therefore, since the site was not being utilized for a parking lot, the application should be withdrawn.

Commissioner Dean Leavitt recommended the applicant follow the recommendation to withdraw his application and suggested when they applied in the future, that the site be developed to meet the current guidelines and set-back requirements.

Mr. Hamilton agreed to withdraw his application without prejudice.

ACTION: WITHDRAWN WITHOUT PREJUDICE

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

17. **SPR-27-07 (29993) DEER SPRINGS CROSSING. AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT TO AMEND AN EXISTING SITE PLAN REVIEW (SPR-60-05) TO ADDRESS PARKING LOT SCREENING REQUIREMENTS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF NORTH 5TH STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-23-316-002. (CONTINUED MAY 23, 2007)**

It was requested by the applicant to continue SPR-27-07 to June 27, 2007.

ACTION: CONTINUED TO JUNE 27, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

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

18. **ZN-94-07 (29023) MARTHA CAZAREZ REZONING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARTHA CAZARES, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND A C-P PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF PROFESSIONAL OFFICES. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CIVIC CENTER DRIVE AND TONOPAH AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-312-114 AND 139-24-312-077. (CONTINUED MARCH 28 AND MAY 23, 2007)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was combining two properties into one parcel and one of the items being considered with the PUD was the size of the property, as the zoning ordinance required a minimum of five acres for any PUD; however, that could be waived, but was subject to review and approval by the Commission and eventually by City Council and Staff had objection to eliminating the minimum five acre requirement. The applicant indicated they were going to redesign the site and the buildings to comply with the Commercial Design Standards. When the application was presented previously, there were concerns with parking and the drive isles and since that time, Planning and Zoning and Public Works Staff have worked together to come up with a solution and basically a one-way drive isle that went through the site with parallel parking adjacent to the easterly property line. They would have to bring the parking down to 16, which was the minimum required, eliminating three spaces that they currently had, which would allow landscaping along Tonopah Avenue and Perliter Street. In addition, Staff added some conditions that would require half diamonds at the beginning and end of every parallel parking space along the eastern property line and those diamonds would have to be landscaped with a tree to help buffer and protect the residential dwelling units to the east. Staff was recommending approval of ZN-94-07 subject to the following conditions:

1. That, unless otherwise approved through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That unless otherwise indicated herein, the redevelopment of this site shall comply with the Commercial Development Standards and Design Guidelines including, but not limited to:
  - a. The buildings must incorporate jogs, offsets or architectural features;
  - b. The exterior of both buildings must be constructed of preferred materials;
  - c. All sides of all buildings must be coherently designed and treated;

- d. Any building design utilizing a flat roof shall incorporate a parapet wall and /or cornice elements;
  - e. All mechanical equipment must be screened from view;
3. That the trash enclosure match the materials of the office building.
  4. The use of these buildings shall be limited to professional offices only.
  5. That a minimum of sixteen (16) parking stalls be provided.
  6. Parallel parking located adjacent to the eastern property line must be reconfigured to accommodate parking for no more than seven (7) vehicles.
  7. Each parallel parking space must be a minimum of twenty-five (25) feet in length.
  8. Each parallel parking space must be designed to accommodate a landscaped triangle with a dimension of five (5) feet in length by five (5) feet in width at the beginning and end of each parking space.
  9. Each landscaping triangle must be provided with one tree, a minimum of 24-inch box in size, and ground cover (living plant material) in accordance with the Commercial Development Standards and Design Guidelines.
  10. That a minimum of 14 feet of landscaping, not including the sidewalk, shall be provided along Civic Center Drive. The landscape area shall include a 3 ½ foot berm. The landscaping along Civic Center shall include a minimum of ten (10) palm trees (Date Palm, minimum 10 brown trunk feet in height), in addition to other required landscape materials as set forth in the Commercial Design Standards.
  11. That a minimum of 15 feet of landscaping, not including the sidewalk, be provided along Tonopah Avenue and Perliter Avenue. The landscape areas shall include a 3 ½ berm.
  12. The existing wall between the two parcels (139-24-312-077 and 139-24-312-114) must be removed.
  13. A civil improvement plan is required for the project and must be submitted to the Department of Public Works and approved prior to the issuance of any permits.

14. In order to accommodate a travel lane, parking area and the existing buildings, the traffic flow on-site must be limited to one-way. The driveway on Perliter Avenue shall be entrance only; the driveway on Tonopah Avenue shall be exit only. Parking spaces 1, 11 and 19 shall be eliminated. Appropriate signage and striping, as required by the City Traffic Engineer, shall be posted and painted.
15. The driveways on Tonopah Avenue and Perliter Avenue shall be removed and reconstructed to comply with *Clark County Area Uniform Standard Drawing No. 226*. The reconstructed driveways shall be reduced to twelve (12) feet in width.
16. Approval of a traffic study is required prior to submittal of the civil improvement plans.
17. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Civic Center Drive.
18. Developer to install no parking signs on Perliter Avenue and Tonopah Avenue.
19. Dedication of the following spandrels is required:
  - Tonopah Boulevard/Civic Center Drive
  - Civic Center Drive/Perlitter Avenue
20. A revocable encroachment permit for landscaping within the public right of way is required.
21. The property owner is required to grant a roadway easement for commercial driveway(s).
22. The property owner is required to sign a restrictive covenant for utilities.

**Martha Casarez, 1820 Civic Center Drive, North Las Vegas, NV 89030** concurred with Staff recommendation.

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

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Cato**

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

**NAYS: None**

**ABSTAIN: None**

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

Robert Eastman, Principal Planner gave an update on the Title 17 re-write.

**CHAIRMAN'S BUSINESS**

Vice-Chairman Dilip Trivedi suggested the zoning ordinance include a provision for non-simultaneous parking.

Commissioner Dean Leavitt suggested there be discussion on green building.

**ADJOURNMENT**

The meeting adjourned at 8:06 p.m.

APPROVED: July 11, 2007

/s/ Vice-Chairman Dilip Trivedi  
Steve Brown, Chairman

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