

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

May 13, 2009

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

CALL TO ORDER: 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

WELCOME: Vice-Chairman Harry Shull

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

STAFF PRESENT: Frank Fiori, P & Z Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Terence Capers, Planner
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Vidya Medisetty, Public Works
Mike Steele, Fire Department
Robert Kimble, Utilities

Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jo Cato

PUBLIC FORUM

Rosalyn Fontanette, 3725 Discovery Creek, North Las Vegas, NV inquired about UN-26-09, asking what was being done with the application. It was explained the application had been withdrawn and in order for the day care to operate, the applicant would have to reapply.

Item No. 1 was heard next.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF APRIL 8, 2009.**

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Commissioners Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN:___Vice-Chairman Shull and Commissioner Leavitt

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF APRIL 22, 2009.**

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN:___None

Item No. 2 was heard next.

NEW BUSINESS

1. **VN-06-09 (38563) BOLES STORAGE & PATIO COVER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIANE BOLES, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A TWO (2) FOOT REAR YARD BUILDING SETBACK WHERE 15 FEET IS THE MINIMUM REAR YARD BUILDING SETBACK REQUIRED; AND TO ALLOW A TWO (2) FOOT SIDE YARD BUILDING SETBACK WHERE FIVE (5) FEET IS THE MINIMUM SIDE YARD BUILDING SETBACK REQUIRED. THE PROPERTY IS LOCATED AT 512 ELIZABETH AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-113-020.**

The application was presented by Terence Capers, Planner who explained the application was submitted in response to an order to comply citation for a storage shed and patio cover partially constructed without building permit approval. According to the documents submitted, the storage shed appears to be a metal structure and was attached to a wood patio cover, making the shed a portion of the primary structure. The primary structure was within two feet of both the rear and side yard property lines. The applicant indicated an attempt to stucco the storage shed and patio cover to match the primary residence, however, the shed and patio structure do not meet the minimum set-back requirements established in Title 17. The structure was built without building permits and according to the memorandum submitted by the Building and Safety Department, the structure may need to be removed or rebuilt if a licensed professional engineer could not find the existing structure to be safe and adequate. The Department also stated the structures close to the existing block wall and property line needed extra fire rated construction, which was not depicted in the submitted building elevations. In addition, the Police Department indicated that by allowing the two foot building setback, where 15 feet was the minimum distance required, may allow for unwanted access to the roof, which could increase the risk of vandalism and burglary to the property. The Building Department was not in support of the variance request and there was no undo hardship that prevented the property owner from the same enjoyment of the property in which other property owners had within the vicinity, nor were there any physical restraints on the property to warrant approval of the variance. Staff was recommending that VN-06-09 be denied; however, should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinance.
2. A minimum two (2) foot side yard building setback shall be maintained.

3. A minimum two (2) foot rear yard building setback shall be maintained.

Diane Boles, 512 Elizebeth Avenue, North Las Vegas, NV appeared on the application indicating she concurred with Staff recommendation.

Vice-Chairman Harry Shull asked Staff if the code violation was turned in by neighbors or if Code Enforcement had noticed the violation.

Marc Jordan, Planning Manager responded a complaint was filed with Code Enforcement.

Vice-Chairman Shull asked the applicant when the structure was built if they had not obtained a building permit.

The applicant responded she had not.

Commissioner Jo Cato asked the applicant when the structure was built.

Ms. Boles responded the structure was built two years ago and explained she had a youth organization and collected furniture for people at Shade Tree Shelter and stored it in her back yard. She understood the structure was built without a permit but was only trying to protect the donations.

Commissioner Jay Aston asked to see an overhead of the property, to view if there were other structures close to the property line in the adjoining properties. His concern was the potential for fire endangering a neighboring property.

Ms. Boles explained they removed the top of the shed and replaced it with the roof of the patio and the shed covers the pool pump.

Vice-Chairman Shull said it appeared the total setback from the house was 25 feet and the only place being encroached on was the side yard setback by the pool equipment.

Mr. Capers explained the required setback for the rear yard was 15 feet.

Vice-Chairman Shull thought if a portion of the patio cover was removed leaving a 10 foot overhang, it might be in compliance.

Mr. Capers explained the storage shed connected under the patio cover which made the enclosure, making it part of the building and if the storage shed was not connected to the patio cover, the setback would be five foot for the patio cover.

Lee Pence, 512 Elizebeth, North Las Vegas, NV explained the shed had been there for

years and more space was needed for storage, so he took the roof off of the shed and attached it to the patio cover.

Ms. Boles explained they were trying to keep the donated items out of the weather so they could be given to those in need.

Vice-Chairman Shull explained the Commission was in a tough position.

Commissioner Dilip Trivedi stated it appeared there was a non-compliant structure that the applicant added on to and made it worse and if the application was approved, it would not be a code compliant structure.

Mr. Boles explained it would be brought up to code, they just would not meet the required setbacks. The structure had been drawn up by an engineer to be sure it was up to current code.

Commissioner Trivedi stated the structure must be brought up to current code.

Mr. Boles responded the structure would be brought to current code.

Robert Eastman, Principal Planner explained, according to the memorandum from the Building Department and discussion with some of the inspectors, was that currently the structure does not appear to be in compliance with Building Code and it does not appear that the structure, as it was currently built, has the necessary fire rating, since they would need to have one hour fire rated walls, since it was so close to the property line and the exposed wooden beams were not in compliance with that requirement and asked the Fire Department to shed more light on the requirements. From information submitted by the Building Department, the structure was not in compliance with the Building Code.

Commissioner Trivedi concurred with Staff and was not in support of the application.

Ms. Boles asked who filed the complaint.

Mr. Jordan indicated that information was not for publication.

Commissioner Aston indicated if the fascia of the patio cover was wrapped with one inch foam and coated with stucco and made to be a one hour fire rated structure, and made a condition of approval, he could support the application.

Commissioner Steve Brown agreed with Commissioner Aston and since there was no opposition, he could support the application.

Commissioner Trivedi asked for comment from the Fire Department.

Commissioner Jo Cato asked if the neighbors had been contacted regarding the application.

Ms. Boles responded the neighbors had been contacted because they were always giving out furniture and food and they have at least 100 people each week picking up food and furniture.

Commissioner Cato commended the applicant and her husband for acknowledging the structure was built without the required permits and concurred with Commission Aston that if the structure was brought up to code, she could support the application.

Commissioner Dean Leavitt agreed the structure could be brought up to code, but advised the applicant had they taken the time to obtain the required permits, they would have been informed the structure would not comply with code at that time and the proposed application would not have been necessary.

Mike Steele of the Fire Department explained the project fell under the purview of the International Residential Code (IRC), which was enforced by the City of North Las Vegas Building Department. There were provisions in the code for reducing distances from property lines and a condition would not have to be added to make the structure have fire resistant rating, as it was a part of the IRC. It was possible the distances might not work, in which case the Commission could not override the building code requirements and he did not want to give false hope to the applicant if it was determined by the Building Official that the distances and fire rating would not work, according to the IRC.

Commissioner Brown asked the applicant if he understood that even if the Commission were to approve their application, the plans must be approved by the Building Department.

The applicant indicated he understood and asked if the shed was detached from the patio cover and the cover was shortened, if the structure would be in compliance.

Commissioner Aston explained if the variance for the setback was approved, one of the conditions required deferring the item to the Building Department, which would require the applicant to meet with the Building Department to determine how far the setback needed to be for the fire rating to work.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Aston

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

NAYS: Commissioner Trivedi

ABSTAIN:___None

Item No. 3 was heard next.

2. **UN-26-09 (38725) GRANNY'S GARDEN CHILD CARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEBORAH COX-MOORE ON BEHALF OF MARK AND AMBER CROWE, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A CHILD CARE FACILITY; GROUP HOME. THE PROPERTY IS LOCATED AT 3818 DISCOVERY CREEK AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-710-027.**

ACTION: WITHDRAWN

Item No. 14 was heard next.

3. **UN-27-09 (38748) CHIPOTLE MEXICAN GRILL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHIPOTLE MEXICAN GRILL, INC. ON BEHALF OF CRAIG LOSEE CORNER, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (FULL LIQUOR ON-SALE). THE PROPERTY IS LOCATED AT 2546 EAST CRAIG ROAD, SUITE 100. THE ASSESSOR'S PARCEL NUMBER IS 139-01-210-005.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing a full liquor on-sale. A survey was submitted showing compliance with all separation requirements from schools, day cares, churches and public parks. In addition, according to the applicant, they were proposing to serve only beer and margaritas, sold in conjunction with food sales and would be similar to a service bar, which would not be available to the public. Staff was recommending approval of UN-27-09 subject to the following condition:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.

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

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: ___None

4. VAC-14-07 (38676) SPEEDWAY INDUSTRIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BUSINESS PROPERTIES GROUP ON BEHALF OF TROPICAL INDUSTRIAL PARTNERS, PROPERTY OWNER, FOR AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR THE VACATION OF CASTLEBERRY LANE BETWEEN TROPICAL PARKWAY AND EL CAMPO GRANDE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-701-007.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting that Condition No. 2, of the previously approved conditions, be amended. It was previously stated that dedication and construction of certain streets, which was indicated in the condition and the applicant was requesting that the word "construction" be removed; therefore, it would be dedication only. Public Works indicated they had no objection to the request; therefore, Staff was recommending approval of VAC-14-07 with the following conditions:

1. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.
2. Dedication 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. 10' on Tropical Parkway
 - b. 10' on El Campo Grande Avenue
 - c. associated spandrels
3. Vacation shall not record until the off-site improvements for Tropical Parkway, Linn Lane, and El Campo Grande Avenue are designed and bonded.
4. A cross access agreement for emergency ingress and egress is to be recorded and a copy shall be provided to the Fire Department prior to the issuance of a building permit.
5. The required Fire Department access, including width and surfacing, shall be provided and approved by the Fire Department prior to certificate of occupancy.
6. The thirty foot wide utility easement stays in place until the recordation of twenty foot on each side of center line. Once the twenty foot utility easement on each side of center line is granted by the two property owners, the thirty foot utility easement will be vacated.

Nick Leventis, 100 Corporate Park Drive, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

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

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: ___ None

5. **VN-08-07 (38628) SHADE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES, LLC AND GOLDFIELD CENTENNIAL, LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED VARIANCE IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A TEN (10) FOOT BUILDING SETBACK WHERE 20 FEET IS REQUIRED FOR DETACHED GARAGES. 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.**

Item Nos. 5 through 8 (VN-08-07, SPR-18-07, T-1286 and UN-15-07) were presented together.

The applications were presented by Robert Eastman, Principal Planner who explained the variance was to allow a 10 foot building setback where 20 feet would normally be required for detached garages that were proposed with this development. The use permit was to allow 40 foot buildings where 35 would normally be required. Both items were previously approved and the condition on the use permit was to step some of the structures back so there was a greater setback for the taller structures away from the single family homes, which Staff was supporting. The tentative map and site plan review are both extensions of time and the conditions had not changed since the original approval; therefore, Staff was recommending approval of VN-08-07, SPR-18-07, T-1286 and UN-15-07. The conditions of approval for VN-08-07 are as follows:

1. The subject property shall comply with all other regulations of R-3 multi family district and multi family design standards, except for the front yard setback of 20 feet. The corner side yard building setback shall be 10 feet from the property line to the structure.
2. Additional landscape buffering shall be provided along Goldfield Street to provide adequate screening. A minimum 24-inch box trees shall be planted at a minimum of fifteen (15) in height and spaced at every fifteen (15) feet. A ground coverage of 80% shall be achieved within 2 years of time.

3. The VN-08-07 will be null and void after April 4, 2011.

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

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN:___None

6. **SPR-18-07 (38630) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES, LLC AND GOLDFIELD CENTENNIAL, LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW 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.**

Item Nos. 5 through 8 (VN-08-07, SPR-18-07, T-1286 and UN-15-07) were presented together.

The applications were presented by Robert Eastman, Principal Planner who explained the variance was to allow a 10 foot building setback where 20 feet would normally be required for detached garages that were proposed with this development. The use permit was to allow 40 foot buildings where 35 would normally be required. Both items were previously approved and the condition on the use permit was to step some of the structures back so there was a greater setback for the taller structures away from the single family homes, which Staff was supporting. The tentative map and site plan review are both extensions of time and the conditions had not changed since the original approval; therefore, Staff was recommending approval of VN-08-07, SPR-18-07, T-1286 and UN-15-07. The conditions of approval for SPR-18-07 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. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 10 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. The SPR-18-07 will be null and void after June 13, 2010.
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 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.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
9. Maximum retaining wall height is 6-feet.

10. Approval of a traffic study is required prior to submittal of the civil improvement plans.
11. A queuing analysis is required.
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 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.
15. The applicant shall submit a parking study for review and approval.
16. 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
17. The property owner is required to grant a roadway easement for commercial driveway(s).
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. A revocable encroachment permit for landscaping within the public right of way is required.
20. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
21. 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.

22. 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.
23. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
24. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
25. All off-site improvements must be completed prior to final inspection of the first building.
26. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
27. 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.

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

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

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

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None
ABSTAIN:___None

7. **T-1286 (38692) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES, LLC AND GOLDFIELD CENTENNIAL, LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED 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.**

Item Nos. 5 through 8 (VN-08-07, SPR-18-07, T-1286 and UN-15-07) were presented together.

The applications were presented by Robert Eastman, Principal Planner who explained the variance was to allow a 10 foot building setback where 20 feet would normally be required for detached garages that were proposed with this development. The use permit was to allow 40 foot buildings where 35 would normally be required. Both items were previously approved and the condition on the use permit was to step some of the structures back so there was a greater setback for the taller structures away from the single family homes, which Staff was supporting. The tentative map and site plan review are both extensions of time and the conditions had not changed since the original approval; therefore, Staff was recommending approval of VN-08-07, SPR-18-07, T-1286 and UN-15-07. The conditions of approval for T-1286 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. This application is void if SPR-18-07 is denied by the Planning Commission.
3. The T-1286 will be null and void after May 3, 2010.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. 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.
6. Maximum retaining wall height is 6-feet.
7. Approval of a traffic study is required prior to submittal of the civil improvement

plans.

8. A queuing analysis is required.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
11. 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.
12. 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.
13. The applicant shall submit a parking study for review and approval.
14. 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
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. 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.
17. A revocable encroachment permit for landscaping within the public right of way is required.
18. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.

19. Full width, temporary, AC pavement shall be constructed from the northeast corner of the property to North 5th Street along the Rome Boulevard alignment.
20. 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.
21. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
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 marked to prohibit parking in accordance with the Fire Code.
25. 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.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: ___None

8. **UN-15-07 (38629) SHADE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES, LLC AND GOLDFIELD CENTENNIAL, LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW 40 FOOT HIGH BUILDINGS WHERE 35 FEET IS THE MAXIMUM HEIGHT ALLOWED. 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.**

Item Nos. 5 through 8 (VN-08-07, SPR-18-07, T-1286 and UN-15-07) were presented together.

The applications were presented by Robert Eastman, Principal Planner who explained the variance was to allow a 10 foot building setback where 20 feet would normally be required for detached garages that were proposed with this development. The use permit was to allow 40 foot buildings where 35 would normally be required. Both items were previously approved and the condition on the use permit was to step some of the structures back so there was a greater setback for the taller structures away from the single family homes, which Staff was supporting. The tentative map and site plan review are both extensions of time and the conditions had not changed since the original approval; therefore, Staff was recommending approval of VN-08-07, SPR-18-07, T-1286 and UN-15-07. The conditions of approval for UN-15-07 are as follows:

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 UN-15-07 will be null and void after April 25, 2011.
5. The subject development shall comply with all the requirements of SPR-18-07.

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

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN:___None

9. **VAC-05-09 (38736) VINCENT L. TRIGGS E.S. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, TO VACATE A ROADWAY EASEMENT FOR A PROPOSED ELEMENTARY SCHOOL. THE PROPERTY IS LOCATED SOUTH OF VIRAGE PARK DRIVE AND APPROXIMATELY 700 FEET EAST OF AVIARY WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-18-610-001.**

The application was presented by Marc Jordan, Planning Manager who explained the school use permit had been approved. The roadway easement was dedicated but due to the new driveway location being proposed as part of the school, the driveway easement was no longer necessary. Staff was recommending approval of VAC-05-09.

Vernon Harkin, 6765 West Russell Road, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN:___None

10. VN-07-09 (38737) VINCENT L. TRIGGS E.S. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, FOR A VARIANCE IN AN PSP- MPC, PUBLIC/SEMI-PUBLIC MASTER PLANNED COMMUNITY DISTRICT TO ALLOW A 14.8 FOOT HIGH WALL (8.8 FOOT HIGH RETAINING WALL AND 6 FOOT HIGH SCREEN WALL) WHERE A 12 FOOT HIGH WALL IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF AVIARY WAY AND VIRAGE PARK DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-18-610-001.

It was requested by the applicant to withdraw VN-07-09.

ACTION: WITHDRAWN

- 11. ZN-97-05 (38731) COMMERCIAL LOFTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COMMERCIAL LOFTS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO MODIFY PARKING LOT LANDSCAPING. THE PROPERTY IS LOCATED AT 3355 CLAYTON STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-811-001 THROUGH 139-08-811-044.**

The application was presented by Robert Eastman, Principal Planner who explained the condition required a 3 ½ foot wall or berm to block lights and screen the parking from the neighboring street in an industrial development, which contains 44 office/warehouse buildings and a café in one of the buildings. The applicant had not indicated any specific justification or reasoning for the request to put a landscaped hedge instead of a berm or wall at proposed location; therefore, Staff was recommending that ZN-97-05 be denied. Should the commission determine the application was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That FDP-02-06 is null and void, and that approval of a Final Development Plan that conforms with this PUD amendment shall be submitted for Planning Commission approval.
3. That the building design, parking lot landscaping, foundation landscaping and perimeter landscaping shall comply with all Industrial Development Standards set forth under Title 17.24.205, including but not limited to the following:
 - a. Sidewalks which abut 90 degree parking spaces must be a minimum of eight (8) feet in width in instances where vehicle wheel stops are not used between the between the parking space and the sidewalk curb, and five (5) feet in width when vehicle wheel stops are installed.
 - b. Any area of a parking lot which abuts a public street shall be screened by a 3.5 foot landscape hedge in lieu of screening via a 3.5 foot decorative wall or a 3.5 foot landscaped berm. The 3.5 foot landscaped hedge shall be a plant species that will remain green year round and reach a minimum height of 3.5 feet within two (2) years of the issuance of a certificate of occupancy for Building "C" of the development.
 - c. Any area of a parking lot or loading or storage area which abuts a public

street shall be setback from the property line a minimum of 20 feet and the setback area shall be appropriately landscaped at a width of 20 feet.

4. Exterior roof ladders and down spouts shall not be permitted.
5. Any outdoor storage of materials or vehicles shall be prohibited.
6. That the site shall be considered primarily an Office and Warehouse center whereby the following uses shall be principally permitted:
 - a. Contractor's office and storage, provided that all goods and materials are stored within the office/warehouse unit(s);
 - b. Manufacturing, indoor;
 - c. Offices, professional;
 - d. Restaurant or café, but only in Unit 44 as depicted on the approved Site Plan;
 - e. Blueprint shop;
 - f. Business and office machine sales, service and repair shop;
 - g. Lock and key shop;
 - h. Monument sales and engraving shop;
 - i. Newspaper office;
 - j. Plumbing shop;
 - k. Printing and publishing house (including newspapers);
 - l. Research laboratories;
 - m. Upholstery shop;
 - n. Warehousing.
7. Other uses may be permitted within the development provided these uses are consistent with the office and warehouse center and shall be subject to a special use permit unless otherwise determined by the Director of Planning and Zoning. Prior to approval of any use, that applicant shall demonstrate that parking will be provided in accordance with Title 17 requirements.
8. The applicant shall submit a traffic study update for review and approval.
9. No Parking is allowed on Colton Avenue or Clayton Street. The developer is to install "No Parking" signs.
10. The Final Map is required to be Amended 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.

11. All mapping shall be in compliance with Codes and Ordinances in effect at the time of building permit issuance.
12. The Approved Civil Improvement plans on file with the City of North Las Vegas Public Works must be revised to match the Amended Final Map. The Amended Final Map must be ready to record prior to final approval of the revised Civil Improvement Plans.
13. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. Fire access shall be provided such that all ground floor walls are within 150' of the fire access lanes. The measurement is to be taken as a fire hose would lay around the perimeter of the building.
16. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
17. The developer will be required to submit revised drawings to the approved civil improvement plans depicting the requirement of a meter and backflow prevention assembly per building, in accordance with the "City of North Las Vegas Water Service Rules and Regulations".
18. The developer will be required to provide a sewer lateral to each unit, or as otherwise approved by the Director of Utilities.
19. The developer shall submit revisions to the civil improvement plans, reflecting compliance with all appropriate conditions.

Tom Anderson, Landscape Service Inc. appeared on behalf of the applicant explaining they were intending to soften the surface. He explained a landscape berm would be too high as the parking lot was much higher than the sidewalk at the street. A wall would create the look of a hard surface and they were trying to soften the area. As an alternative, they were requesting to install a wrought iron fence with screening behind the hedge, which would be less bulky and block the lights shining onto the street.

Commissioner Dean Leavitt asked Mr. Anderson what type of wrought iron would be used, if they were using square tubing with perforated metal attached, which had no appeal.

Mr. Anderson responded square tubing was being proposed, but it would not been seen, as there would be a hedge next to it.

Commissioner Leavitt asked if the wrought iron fencing would be painted.

Mr. Anderson responded it would be painted to blend in with the architecture.

Vice-Chairman Shull asked if they could install a framed wall using posts and stuccoing both sides with landscaping in front of it.

Mr. Eastman responded that would be acceptable, as it was a decorative wall and did not require amending the conditions.

Vice-Chairman Shull indicated it was just a suggestion and asked Mr. Anderson if he still wanted to use the wrought iron fencing and landscaping.

Mr. Anderson responded they wanted a nice looking project.

Vice-Chairman Shull asked Mr. Anderson if the Commission were to approve the application, if he agreed with the recommended conditions.

Mr. Anderson responded he did.

Commissioner Dilip Trivedi asked Mr. Anderson what guarantees there were that the hedges would be maintained in the future.

Mr. Anderson responded a screen was being added to the wrought iron to block the headlights and the landscaping would be maintained and explained the plant material was not to block the headlights but to soften the surface of the fencing.

Marc Jordan, Planning Manager suggested Condition No. 3.b be amended to read: "Any area of a parking lot which abuts a public street shall be screened by a 3.5 foot landscape hedge and wrought iron fence with a minimum 80 percent opaque wire mesh in lieu of screening via 3.5 foot decorative wall or a 3.5 foot landscaped berm. The 3.5 foot landscaped hedge shall be a plant species that will remain green year round and reach a minimum height of 3.5 feet within two (2) years of the issuance of a Certificate of Occupancy for Building "C" of the development."

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

- 3.B. ANY AREA OF A PARKING LOT WHICH ABUTS A PUBLIC STREET SHALL BE SCREENED BY A 3.5 FOOT LANDSCAPE HEDGE AND WROUGHT IRON FENCE WITH A MINIMUM 80 PERCENT OPAQUE WIRE MESH IN LIEU OF SCREENING VIA 3.5 FOOT DECORATIVE WALL OR A 3.5 FOOT LANDSCAPED BERM. THE 3.5 FOOT LANDSCAPED HEDGE SHALL BE A PLANT SPECIES THAT WILL REMAIN GREEN YEAR ROUND AND REACH A MINIMUM HEIGHT OF 3.5 FEET WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR BUILDING "C" OF THE DEVELOPMENT.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN:___None

12. **SPA-01-09 (38634) POPPA'S BAR. AN APPLICATION SUBMITTED BY BILL WEILER ON BEHALF OF WEILER B. UNDER TRUST AGREEMENT, PROPERTY OWNER, FOR AN ADMINISTRATIVE APPEAL OF THE PLANNING AND ZONING DEPARTMENT'S INTERPRETATION THAT AN APPROVED DRAINAGE FACILITY MUST PREVENT VEHICULAR AND PEDESTRIAN ACCESS BETWEEN AN EXISTING RESTRICTED GAMING LIQUOR LOCATION AND A PROPOSED RESTRICTED GAMING LIQUOR LOCATION. THE PROPERTY IS LOCATED AT 2750 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-201-015.**

The application was presented by Terence Capers, Planner who explained the applicant attempted to file an application for a restricted gaming and liquor establishment where one previously existed but had expired. The applicant was informed that they would be required to demonstrate compliance with the current separation requirement of 2500 feet from other restricted gaming/liquor establishments. The applicant was informed if the requirement could not be met, Staff would not be able to accept an application. The only exception would be if the applicant could demonstrate that an adequate barrier, which prevented vehicular and pedestrian access between the like uses existed. Upon reviewing the site, it was Staff's determination that no such barrier existed. Section 17.24.105 C.2 of the City of North Las Vegas Municipal Code states the following: "A waiver of the proximity distance requirements outlined above may be granted by the City Council if an adequate barrier exists between the two uses." The section further states: "An "adequate barrier" is defined as, in this case, an improved drainage facility, which prevents vehicular pedestrian access between the existing and proposed restricted gaming/liquor locations." The issue before the Planning Commission was whether an adequate barrier that prevents vehicular and pedestrian access existed between the proposed and existing restricted gaming/liquor establishment. The Planning and Zoning Department have determined that no such barrier existed because the mentioned approved drainage facility diverts under Craig Road leaving both the pedestrian and vehicular access to the existing restricted gaming/liquor establishment via the Craig Road right-of-way. The applicant has challenged the Municipal Code and debated that the adequate barriers listed in Section 17.24.105 are only required to exist but are not required to prevent vehicular and pedestrian access. The Code specifically and clearly stated that adequate barrier prevents vehicular and pedestrian access between the two uses and allowing the use permit application to be submitted for consideration, may set a precedent for other establishments not meeting the minimum distance separation to be considered. The Planning and Zoning Department recommends that Planning Commission adheres to Staff's interpretation; thus, Staff recommends that SPR-01-09 be denied.

Bob Gronauer, Kummer Kaempfer Bonner Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant giving some history on the property, explaining a special use permit on the site was approved by

the Planning Commission in 2002 and since that time due to construction in the area causing there to be no adequate access to the site, the property was made useless and the tavern closed. The building owner presumed he had a special use permit in tact, as a use was good for six months after the closing of the business. The special use permit expired in the fall of last year; however, since the approval of the tavern, there was a tavern located to the west and was in existence when Pappa's Bar was approved in 2002; but, since that time, Winchell's Pub & Grill was granted a special use permit for the property, which fell within 1500 feet, which was allowed due to the Commercial Shopping Center exception, which allowed taverns on a property to be less than 1500 feet away from another tavern use. When the applicant applied for a special use permit, the difference between 2002 and 2009 was that the liquor code had been amended and instead of there being 1500 foot separations without any waiver requirement, the new code stated you had to be 2500 feet away from other taverns and the proposed tavern was within the 2500 foot separation and because of that, Staff refused to accept the application because they believed the waiver provision did not apply.

Mr. Gronauer showed a drainage channel which was the barrier on the west side of Berg Street and met the definition of an adequate barrier pursuant to the Code. The existing building was located on the corner of Berg Street and Craig Road and was built as a tavern and had existed as a tavern until recently. He pointed out that in the Staff Report it stated, "an adequate barrier is defined as an improved drainage facility, Interstate 215, Interstate 15, other constructed roadways with a minimum width of one hundred twenty feet, Railroad right-of-way, physical feature, or a topographical feature which prevents vehicular and pedestrian access between a church, school, city-owned park, child care facility licensed for more than twelve children, etc." He pointed out the word "or" made it possible to use the topographical feature for consideration as long as vehicular and pedestrian access was prevented. According to the Code, it did not make sense because if it was intended to have a road of 120 foot right-of-way to prevent vehicular access or pedestrian access, it would never happen; so, there was a flaw within the ordinance. The last example was that within the past two years, there was a land use application that was represented by George Garcia, which was located in the northwest area at Tropical Parkway and Decatur Boulevard. Staff used the same argument in that case, but the applicant was allowed to file the application and when it was filed, Staff said 215 was not an adequate barrier because you had access from point A in the tavern to drive up and over the freeway to Goldfinger's which was located there. City Council approved the use permit with the waiver of the request because of the adequate barrier and it was compatible and harmonious to the surrounding area. Mr. Gronauer was referring to UN-52-08.

Commissioner Dilip Trivedi agreed with Mr. Gronauer's interpretation of the Code and felt the drainage channel provided an adequate barrier, as people would not walk through the drainage channel. He asked if there were sidewalks on Craig Road along the proposed site.

Mr. Gronauer responded there was a sidewalk along Craig Road.

Commissioner Trivedi asked if there was a grade difference between the proposed site and Craig Road.

Mr. Gronauer responded there was no significant grade difference.

Commissioner Trivedi asked if a person could walk from Craig Road to the proposed site.

Mr. Gronauer responded you could walk from Craig Road, but the code provision stated an adequate barrier was the drainage facility itself.

Commissioner Trivedi clarified vehicular access was only from Berg Street and it was not possible to access the site from Craig Road.

Mr. Gronauer responded he had not been to the site but knew Berg was an entrance to the property but did not know if the property could be accessed from Craig Road. He knew the reason the tavern went out of business was due to the construction on Craig Road.

Commissioner Trivedi asked if the 2500 foot distance requirement was as the crow flies or door to door.

Mr. Gronauer believed the distance calculation was door to door.

Marc Jordan , Planning Manager explained the 2500 foot was from door to door and the Winchell's was approximately 1400 feet from the proposed site and Mulligan's was approximately 1800 feet. He also stated there was direct access from the Property to those uses and in the Staff Report there were pictures showing that. Coincidentally, there happens to have been a pedestrian crossing the road at the time the picture was taken and there was access from both Craig Road and Berg Street to the proposed site.

Vice-Chairman Shull clarified that if the appeal was approved, the applicant would still have to apply for a special use permit.

Commissioner Jay Aston felt the landowner that had an approved use permit lost his tenant due to a construction project may have made the mistake of assuming that he still had the use permit but the use permit existed before the other establishments went in and did not see the justice in someone having a business, losing it due to construction, and then not being allowed to reopen because codes had been amended. He perceived the adequate barrier as traveling across a property and he could see the drainage channel as being an adequate barrier from the site going west and Craig Road as a barrier if you were

going south from the site and was not opposed to the waiver.

Commissioner Dean Leavitt agreed with previous comments and was not opposed.

Commissioner Steve Brown asked the Attorney if the application was approved, if the approval could be used as justification for approval of the use permit.

Sandra Morgan, Deputy City Attorney responded the applicant would still have to come forward with a completely separate application for the waiver and would probably make the same argument as made with the application. The issue before the Commission was whether or not Staff's interpretation of the Code Section was proper.

Commissioner Brown explained he was asking if the application was approved and was brought back before the Commission as a special use, if the Commission would be forced to approve the application,

Deputy City Attorney Morgan responded the Commission would still be considering the separation requirements and the reasons behind the waiver, which were given at this hearing, but the Commission has discretion to make whatever decision seems proper, so the Commission would not be bound to approve the waiver.

Commissioner Dean Leavitt had a hard time telling people they could not pursue a livelihood and if they had the wherewith all to do it, they should have the opportunity to come back and plead their case.

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: ___ None

- 13. T-1288 (38733) NORTHGATE PHASE I. AN APPLICATION SUBMITTED BY DARRIN PAPPA ON BEHALF OF DIAMOND LAMB LLC, PROPERTY OWNER, FOR APPROVAL OF AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED TENTATIVE MAP IN AN MUD MX-3, MIXED USE DEVELOPMENT REGIONAL CENTER MIXED USE FOR A ONE (1) LOT MIXED-USE SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002 AND 123-29-301-003, 123-29-401-004 THROUGH 123-29-401-007, 123-29-401-012, 123-29-401-013 AND 123-29-401-015.**

The application was presented by Terence Capers, Planner who explained the site was previously approved through Ordinance No. 2344 on February 21, 2007 and the Tentative Map was approved on April 25, 2007. The applicant indicated that due to the current state of the economy and the effects caused on construction, the applicant was requesting a one year extension of time. The applicant also indicated construction was expected to commence in late 2009. The Public Works Department had no objection to the application and as stated in attached memorandum for information purposes only, Lamb Boulevard is a no-cut street. Staff was recommending approval of T-1288 subject to the following conditions:

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.

Darrin Pappa, 785 Westwind Road, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN:___None

Public Forum was heard next.

OLD BUSINESS

14. **SPR-25-08 (36344) INDIGO APARTMENTS. AN APPLICATION SUBMITTED BY ANN ALLEN COMMONS LLC, PROPERTY OWNER FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF A 166 UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED EAST OF WILLIS STREET AND APPROXIMATELY 370 FEET NORTH OF ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-022. (CONTINUED AUGUST 27, SEPTEMBER 24, OCTOBER 22, AND DECEMBER 10, 2008 AND JANUARY 14, FEBRUARY 25, MARCH 25 AND APRIL 22, 2009)**

It was requested by the applicant to continue SPR-25-08 to May 27, 2009.

ACTION: CONTINUED TO MAY 27, 2009

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: ___None

First Public Forum was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

APPROVED: June 24, 2009

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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