

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

May 27, 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: Commissioner Dean Leavitt

ROLL CALL: Chairman Angelo Carvalho - Absent
Vice-Chairman Harry Shull - Absent
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
Nick Vaskov, Assistant City Attorney
Lorena Candelario, PW Real Property Mgmt.
Eric Hawkins, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Melissa Krause-Gradney, Recording Secretary

VERIFICATION: Melissa Krause-Gradney, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jay Aston

Item No. 10 was heard next.

PUBLIC FORUM

There was no public participation.

NEW BUSINESS

1. **UN-28-09 (38833) MONUMENT COLLISION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIE KIMMONS ON BEHALF OF SN INVESTMENT PROPERTIES, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2710 LOSEE ROAD, SUITE 1. THE ASSESSOR'S PARCEL NUMBER IS 139-14-302-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy approximately 7900 square feet of an existing building. According to the site plan, the parking requirements were met, but Staff had a concern that if there was outside storage, that it would need to be screened properly and could not occupy any of the required parking spaces. Staff was recommending approval of UN-28-09 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. All vehicles stored over night must be secured within the building, or screened properly as required by Title 17. Furthermore, should outside storage be provided, the applicant must demonstrate compliance with all parking requirements for the entire site.
3. A minimum of 9 parking spaces shall be provided on site for the use.

The applicant was not present for comment.

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

Commissioner Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Aston

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

2. **ZN-01-09 (38842) DOTTY'S #46 AT LAKE MEAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DOTTY'S ON BEHALF OF CORNER SHOPPING CENTER INC., PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A NON-RESTRICTED GAMING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-310-001 AND 139-24-310-002.**

The application was presented by Marc Jordan, Planning Manager who explained the site was approximately one half acre containing a 6400 square foot building. The current uses on the property were a beauty salon, an insurance office, and an existing non-restricted gaming establishment. The gaming establishment occupied approximately 3500 square feet of the existing building. It was indicated in the preliminary development plan that there would be a possible future expansion for Phase I and Phase II of the non-restricted gaming establishment. However, at this time all three uses would currently operate within the PUD if approved. The applicant also indicated there would be improvements made to the site and improvements to the exterior that would include some stucco and facade improvements. Staff was recommending on the east side of the building that the same stucco finish be provided to match the front of the building. The applicant was also proposing improvements to the landscaping along Civic Center Drive and Lake Mead Boulevard and also against the foundation of the building. The applicant was requesting a PUD, as they wanted to bring a legal non-conforming property into a conforming state through the PUD process, so in the future, should there be a fire or anything that might destroy the building, they would have the ability to rebuild in accordance with the approved PUD. They would be bringing redevelopment to the area and also eliminating blight. The applicant also requested that as part of the PUD, that a number of Commercial Design guidelines, such as building orientation, because the building was not located at the corner, reduction in perimeter landscaping, where 20 feet was normally required and the applicant was proposing some landscaping but could not give the full 20 feet and were also asking for deviations in the building setback where 10 feet was normally required and the building was currently located five feet from Civic Center Drive and some deviations for the setbacks for the parking where 10 feet was required and some of the parking was located within 10 feet of the property lines. The applicant was also requesting that 27 parking spaces be allowed for the facility where 82 spaces were required. The parking would increase in the future should the gaming operation be expanded into the adjoining suites. Staff had no objection to the PUD; but, should the applicant decide to expand the gaming establishment in the future, they would be required to comply with the parking requirements. It was clear they would not be able to comply with the parking on the site,

so they would need to have a parking study done or get reciprocal parking from adjacent uses and get it recorded. Mr. Jordan explained the PUD was only for the building and site design and did not grant approvals of the use of the property, which included the existing non-restricted gaming establishment. Mr. Jordan corrected, for the record, that the PUD did grant approvals for the uses, it would grant approval for the commercial retail uses that were existing and would grant approval for the legal non-conforming gaming establishment currently on the site, which was also reflected in the conditions of approval. It would also allow for future expansion should the applicant desire to expand into the Phase I and Phase II expansion shown on the preliminary development plan. He also noted that the non-restricted gaming use would always be legal non-conforming, as it did not contain the 200 room hotel requirement, but the PUD would still grant that the use could continue in its existing state. Staff was recommending approval of ZN-01-09. The applicant submitted some requested amendments to the conditions to be considered as follows:

Condition No. 1 would be amended to read: Except for the waivers granted to accomplish the site and building design as depicted in the accompanying plans and exhibits, or unless otherwise approved through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

Condition No. 5 would be amended to read: Prior to any expansion of the non-restricted gaming use into the adjoining suite(s), additional parking to comply with the parking requirements shall be provided. However, parking may be reduced or provided on neighboring parcels as provided within the Zoning Ordinance. A copy of any/all approved parking agreement(s) shall also be provided by the applicant to the Planning & Zoning Department for placement within the appropriate files.

Condition No. 7 was a clerical error and should read: The parking area shall maintain a minimum setback as depicted within the submitted site plan along Lake Mead Boulevard.

Condition No. 11 would be amended to read: The Final Development Plan shall be accompanied by an exhibit that provides details of the landscaping, dimensions, boundaries and calculated square footage.

The original recommended conditions listed in the Staff Report are as follows:

1. That, unless otherwise approved through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The following uses shall be permitted within the Planned Unit Development;
 - a. Non-Restricted Gaming

b. Office and Retail Uses

3. Site and building improvements shall be consistent with the preliminary development plan and building elevations submitted with this application.
4. Any reconstruction shall be in compliance with current Building Codes, the approved preliminary development plan, all conditions of approval for this application, all conditions of approval for the associated use permit (UN-22-09) and the approved final development plan.
5. Prior to any expansion of the non-restricted use into the adjoining suite(s), additional parking to comply with the parking requirements shall be provided. However, parking may be reduced or provided on neighboring parcels as provided within the Zoning Ordinance. A copy of any/all approved parking agreement(s) shall also be provided by the applicant to the Planning & Zoning Department for placement within the appropriate file(s).
6. A minimum five (5) foot building setback shall be maintained along Civic Center Drive.
7. The parking area shall maintain a minimum setback as depicted within the submitted site plan along Lake Mead Boulevard.
8. There shall be a minimum of 27 parking spaces provided on the site.
9. The applicant shall provide landscaping between the parking stalls and sidewalks along Lake Mead Boulevard and Civic Center Drive. Landscape areas shall contain at minimum six (6) Mediterranean Fan Palm trees in place of the Acacia and Sumac Trees next to Lake Mead Boulevard and Civic Center Drive. All planter areas shall contain 60% ground cover within two years of maturity.
10. The remodeling of the exterior facade of the building and the interior casino shall commence concurrently, and all improvements to the building and site shall be complete prior to the issuance of a building "Certificate of Occupancy" for the casino expansion.
11. The final development plan shall be accompanied by an exhibit that provides details of the landscaping, amenities, dimensions, boundaries and calculated square footage.
12. The driveway, on Civic Center Drive, must be reconstructed to comply with the

CCAUSD #226 in order to meet current ADA requirements.

13. Appropriate mapping is required to combine the two parcels. 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.
14. A traffic study will be required for the future expansion of the casino.

George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant along with Mike Eide of Dotty's and Patty Becker, legal counsel. Mr. Garcia thanked Staff for their work on the item and explained they were proposing to transform the existing site including the signage, landscaping, the parking lot and driveway. The PUD was being done to allow them to expand and alter the facility and they would have the assurance that if Dotty's was going to invest a substantial amount of money to make it occur, that they knew their investment was protected in the future so if the building was damaged or destroyed to a substantial extent, that they could rebuild exactly what was being presented and without the approval of the PUD that would not be possible. They also wanted to reaffirm that the gaming district applied to the entire property and that in the future they would have a non-conforming gaming use that allowed them to go forward without having 200 hotel rooms.

Patty Becker confirmed that the GED covered the entire parcel and not just the building which was consistent with a finding that was made previously, and that the license was a non-restricted gaming license and was grand fathered, which meant the requirements that came in under SB-208 and were also codified in 463.1605 and did not require that they comply with any of the standards of a resort/hotel.

Mr. Garcia stated the only additional condition discussed with Staff that they would like to add was the requirement that normally for a PUD, was the final development plan and they were requesting that the changes were to add the stucco element on the east side and also to change some of the landscaping in the front, where there was a little asphalt to be removed and turned into landscaping. They requested that the Planning Commission grant Staff the ability to make that review for the Final Development Plan, given the very basic changes that were being requested, which would save the applicant having to come back before the Commission for another approval.

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

Commission Leavitt closed the Public Hearing.

Commissioner Jay Aston asked Mr. Jordan if he was okay with Staff determining approval of the Final Development Plan and if a site plan had been reviewed for the use permit.

Mr. Jordan responded a site plan was submitted with the use permit and what was presented was that same site plan. He explained Mr. Garcia was indicating that the proposed changes being requested by Staff would be minor and could be reviewed by Staff very easily but the question raised was that in the Zoning Ordinance one of the processes for a PUD was for the Final Development Plan and the Zoning Ordinance gave that authority to the Commission to review and did not give the authority to Staff.

Commissioner Aston clarified the Commission could not change that designation.

Mr. Jordan indicated it was Staff's determination that the ordinance was very clear and the designation could not be changed. He explained it was not a Design Standard and was not something similar to a set-back and design guidelines, things that could be considered part of the PUD, but was a process and the process required the Planning Commission to review the Final Development Plan and he understood what Mr. Garcia was saying that it seemed like a long time for the Commission to actually review a simple amendment, but the issue was the fact that it was an ordinance requirement and was delegated to the Commission and not to Staff.

Commissioner Dean Leavitt commented that if and when the expansion took place, the trash enclosure be relocated away from Lake Mead Boulevard toward the back of the building.

Mr. Garcia indicated they would be happy to explore that with Pizza Hut and the owner of the property, Dr. Carpenter, and felt relocating the trash enclosure was a good suggestion.

Commissioner Dilip Trivedi indicated he was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 1, 5, 7, AND 11 AMENDED TO READ:

1. EXCEPT FOR THE WAIVERS GRANTED TO ACCOMPLISH THE SITE AND BUILDING DESIGN AS DEPICTED IN THE ACCOMPANYING PLANS AND EXHIBITS, OR UNLESS OTHERWISE APPROVED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.

5. PRIOR TO ANY EXPANSION OF THE NON-RESTRICTED GAMING USE INTO THE ADJOINING SUITE(S), ADDITIONAL PARKING TO COMPLY WITH THE PARKING REQUIREMENTS SHALL BE PROVIDED. HOWEVER, PARKING MAY BE REDUCED OR

PROVIDED ON NEIGHBORING PARCELS AS PROVIDED WITHIN THE ZONING ORDINANCE. A COPY OF ANY/ALL APPROVED PARKING AGREEMENT(S) SHALL ALSO BE PROVIDED BY THE APPLICANT TO THE PLANNING & ZONING DEPARTMENT FOR PLACEMENT WITHIN THE APPROPRIATE FILES.

7. THE PARKING AREA SHALL MAINTAIN A MINIMUM SETBACK AS DEPICTED WITHIN THE SUBMITTED SITE PLAN ALONG LAKE MEAD BOULEVARD.

11. THE FINAL DEVELOPMENT PLAN SHALL BE ACCOMPANIED BY AN EXHIBIT THAT PROVIDES DETAILS OF THE LANDSCAPING, DIMENSIONS, BOUNDARIES AND CALCULATED SQUARE FOOTAGE.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston
SECOND: Commissioner Brown
AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi
NAYS: None
ABSTAIN: None

3. UN-30-09 (38843) NEVADA RECYCLING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PAPER RECYCLING OF NEVADA, INC. ON BEHALF OF PROLOGIS NA3, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A SALVAGE CENTER. THE PROPERTY IS LOCATED AT 4420 MITCHELL STREET. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-005.

The application was presented by Marc Jordan, Planning Manager who explained the site was located within the Nellis Industrial Park and was surrounded by industrial uses on all sides. Staff had no objection to the use and was recommending approval of UN-30-09 with the deletion of Condition No. 2.a in its entirety, which would be sub-paragraphs a and b, as there was a misunderstanding on the part of Staff when looking at the site plan proposed by the applicant, the area of the outside storage was screened with a block wall, which was where the recycling or salvage center operations would be performed. The area the condition was referring to was on the east property line, which was an existing enclosure being used for the storage of vehicles and other equipment. The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall be in compliance with the Industrial Development Standards, including but not limited to the following:
 - a. The outdoor storage located along the east property line shall be enclosed with a minimum eight foot high decorative block wall.
 - b. Outdoor storage or equipment shall not exceed the height of the enclosure.
3. This project shall conform to all adopted and amended codes.

Katie Fellows of Jones Vargas, 3773 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant indicating the applicant was requesting to expand their use to include ferrous metals, which required a use permit for a salvage center so they may collect ferrous metals such as steel. She explained they would still be collecting clean materials; primarily the only processing happening on site would be the sorting of the steel and possibly cutting it into smaller pieces for resale and processing elsewhere and agreed with the deletion of Condition No. 2.

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

Commissioner Leavitt closed the Public Hearing.

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

MOTION: Commissioner Brown

SECOND: Commissioner Aston

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

4. **UN-44-06 (38844) ALEXANDER & MLK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GHASSAN SHAMOUN ON BEHALF OF GHASSAN SHAMOUN AND ZUHAIR ZORA, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-410-011.**

The application was presented by Marc Jordan, Planning Manager who explained the proposed site plan was consistent with the preliminary development plan for the PUD. Staff was recommending approval UN-44-06 subject to the following conditions:

1. This special use permit shall expire on April 25, 2011.
2. UN-44-06 shall comply with the conditions of approval for ZN-22-07.
3. Access ladders and scuppers shall be incorporated into the interior of the structure.
4. A looped water system may be required, subject to review and approval of the Utilities Department. This may require developer to acquire a utility easement from the property to the north.
5. The developer shall provide a meter and backflow for each building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
6. Water main extension is required in Alexander Road.

George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Commissioner Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

5. **SPR-06-09 (38839) CRAIG BERG BUSINESS CENTER. AN APPLICATION SUBMITTED BY MORGAN FAMILY TRUST LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW WAIVERS FROM THE INDUSTRIAL DEVELOPMENT STANDARDS FOR A PROPOSED INDUSTRIAL/COMMERCIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-302-004.**

The application was presented by Marc Jordan, Planning Manager who explained Staff originally recommended continuance of the application as one of the buildings, the convenience food restaurant, was located at a zero setback from Craig Road, where as there was a settlement agreement on the property between the applicant and the City when additional property was acquired for right-of-way and in accordance with the settlement agreement, there had to be at least a 10 foot setback. A revised memorandum was prepared. The applicant requested a landscape waiver adjacent to Berg Street and according to the settlement agreement, they were only required to do approximately six feet of landscaping, so it was not felt a waiver was required. There were a few other areas on the site plan where the plan did not demonstrate compliance with the foundation landscaping requirement, but it was felt they were minor issues and there was enough room on the site for the applicant to be able to comply with that requirement. There were some trash enclosures next to Craig Road, that Staff would like to see relocated so they were not visible from Craig Road and also some pedestrian connections added between the various buildings on the site, which were also minor and could be reviewed when the building permits were requested. Staff was recommending approval of SPR-06-09 subject to the conditions listed in revised Memorandum dated May 27, 2009 as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That building setbacks and perimeter landscaping shall conform to and be provided for as set forth in the material terms of the Settlement Agreement and Release of All Claims between the applicant and the City of North Las Vegas.
3. That foundation landscaping for all four (4) pad sites included within the site plan shall be provided in compliance with Title 17.24.205.D.6.
4. That the required 3.5 foot screening height for a landscaped berm or a decorative wall shall be provided in compliance with Title 17.24.205.E.2. for the screening of parking areas abutting Berg Street.

5. That all refuse collection areas shall be located away from street fronts and screened in compliance with Title 17.24.205.G.4.
6. That additional pedestrian pathways shall be provided throughout the site to ensure adequate and safe pedestrian connectivity between pad sites A, B, C, and D along with pedestrian connectivity to sidewalks along Craig Road.
7. That parking requirements per Title 17.24.140.E.2. shall be met within each phase of the proposed development to ensure that adequate parking is provided throughout the phasing of development.
8. That landscaping within the parking areas and the interior site shall generally conform to the proposed landscaping depicted on the site plan date stamped May 21, 2009.
9. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
10. Nevada Department Of Transportation (NDOT) concurrence with the results of the drainage study update is required prior to approval of the civil improvement plans.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. Off-site improvements are required for Berg Street including sidewalk and street lights.
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. Driveway locations are subject to review and approval of by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code.
15. 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.
16. The civil improvement plans for the project shall include schedule 40 PVC fiber

optic conduit along Berg Street.

17. The property owner is required to grant a roadway easement for commercial driveways.
18. All NV Energy 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. 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.
20. The property owner is required to sign a restrictive covenant for utilities.
21. All offsite improvements must be completed prior to final inspection of the first building.
22. This application shall comply with the *City of North Las Vegas Municipal Code* and NRS 278. Conformance may require modifications to the site.
23. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
24. All mapping shall be in compliance with Codes and Ordinances in effect at the time of building permit issuance.
25. Fire access lanes shall be marked to prohibit parking in accordance with the fire code.

Chris Richardson, 815 Pilot Road, Suite E, North Las Vegas, NV appeared on behalf of the applicant along with **Sam Dunham, Civil Engineer, 6960 Smoke Ranch Road, Las Vegas, NV**. Mr Richardson asked for clarification regarding the foundation landscaping, Condition No. 3, and deferred comment to Mr. Dunham.

Mr. Dunham wanted to be sure a compromise could be worked out at Staff level, between what was dictated in the soils report and what was dictated in Title 17 regarding foundation landscaping.

Mr. Jordan indicated he had spoken to the applicant about the foundation landscaping and was aware at the existing Inn & Out Burger at North 5th Street, they actually did some above-ground planted pot areas and were in compliance with Title 17 requirements. Even

though six feet of foundation landscaping was required, there was a guideline that allowed for alternative approaches, such as flipping, above ground raised planter areas and other alternatives that could be considered. Recently, Staff had worked with the Building Department to develop a policy that was sent to the geotech engineers and landscape architects, and encouraged those professionals to work together in designing the landscaping so that it complied with the geotech reports and also the landscaping requirements in Title 17, which could be dealt with at Staff level.

Mr. Richardson addressed Condition No. 21, which indicated all off-site improvements must be completed prior to final inspection of the first building. He was not privy to the conversation but was told there had be conversation with Tracy in Land Development and something was worked out in that a Certificate of Occupancy could be obtained for the Inn & Out Burger prior to all of the off-sites for Berg Street being completed and asked for some latitude to work with Staff on that condition.

Lorena Candelario of Public Works indicated language could be added to the end of the condition, "or as otherwise approved by the Director of Public Works."

Mr. Richardson agreed with the amendment to Condition No. 21.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 21 AMENDED TO READ:

21. ALL OFFSITE IMPROVEMENTS MUST BE COMPLETED PRIOR TO
FINAL INSPECTION OF THE FIRST BUILDING, OR AS
OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC
WORKS.

MOTION: Commissioner Aston

SECOND: Commissioner Brown

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

6. **UN-29-09 (38838) CRAIG BERG BUSINESS CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MORGAN INVESTMENTS FAMILY LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-302-004.**

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending approval of UN-29-09 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That UN-29-09 shall comply with the conditions of approval for SPR-06-09.
3. Approval of a technical drainage study update is required prior to submittal of the civil improvement plans.
4. Nevada Department Of Transportation (NDOT) concurrence with the results of the drainage study update is required prior to approval of the civil improvement plans.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. To allow for viewing into the enclosure area, the trash enclosure gates shall be hung approximately 8" from the ground.
7. To prevent vehicles from accidentally colliding with the building, wheel stops shall be installed at all parking spaces adjacent to the building.
8. The drive through window shall be installed at a height of approximately 48" to help minimize any unwanted access.

Chris Richardson, 815 Pilot Road, Suite E, North Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Commissioner Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Brown

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

7. **ZOA-01-09 (38846) CNLV LANDSCAPE ORDINANCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTIONS 17.12.020, 17.24.100 AND 17.24.210 TO AMEND THE LANDSCAPE REQUIREMENTS REGARDING THE USE OF TURF AND DROUGHT TOLERANT PLANT MATERIALS AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

The application was presented by Robert Eastman, Principal Planner who explained in 2003 the City adopted a number of drought levels in support of a plan developed by Southern Nevada Water Authority and since that time, the Water Authority felt like the second level, the drought alert level, was appropriate and we have been at that level since the adoption of the ordinance; therefore, they were requesting that level be the permanent level for all landscaping requirements in the City. All jurisdictions in the valley are working on their zoning ordinance amendments to comply with the Water Authority's request. In addition, Staff also made some small changes to make the landscaping section of the Code more in compliance with the Design Standards that were adopted. Staff was recommending that ZOA-01-09 be approved and forwarded to City Council for final consideration.

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

Commissioner Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi asked Staff if there was anything in the Code for rainwater harvesting or gray water reuse and asked if that was being addressed.

Mr. Eastman responded that was not being dealt with in this ordinance. At the present time the valley does not have the infrastructure in place to deal with rainwater harvesting or gray water reuse. Green measures were being looked at with the complete re-write of Title 17, which was currently in process.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

8. **SPR-15-07 (38745) DEER SPRINGS N 5TH PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT, INC., ON BEHALF OF CAMDEN OPERATING LP, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT CONSISTING OF 214 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-601-005.**

The application was presented by Robert Eastman, Principal Planner who explained when the application was initially approved, the applicant submitted a parking study that allowed them to reduce their parking below the normal level and because of that, City Council approval was required for the parking waiver. The applicant was not proposing any changes with the extension of time; therefore, Staff was recommending approval of SPR-15-07 subject to the following conditions:

1. An additional five (5) feet of right-of-way must be dedicated along North 5th Street near Deer Springs Way per the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
2. An additional five (5) feet of right-of-way must be dedicated along Deer Springs Way at North 5th Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 to construct a flared intersection.
3. Right-of-way dedication and construction of a CAT bus turn-out is required on Deer Springs Way west of North 5th Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
4. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
5. A conforming site plan, incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works, and the Department of Planning and Zoning, prior to submittal of the drainage study and final map.
6. A queuing analysis is required.
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. Full half street construction is required for the area of North 5th Street adjacent to the development. The City also requires a minimum of two twelve-foot lanes of travel and six feet of shoulder on the west side of North 5th Street adjacent to parcels 124-22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane a Centennial and North 5th Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross Councilman Eliason, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

The developer shall participate in the funding of a traffic study that shall take into account the surrounding area of North 5th Street between Azure Avenue and the 215 Beltway. The City shall make the decision on the consultant to perform the traffic study. The developer shall provide the funding for the traffic study by June 30, 2007. Should the traffic study determine that additional improvements are warranted, the developer shall be responsible for additional mitigation measures as determined by the City. Any such mitigation measures must be substantially completed prior to final inspection of the first building.

The North 5th Street improvements, as stipulated in previous conditions, may be satisfied if developer participates in a special improvement district to construct all necessary improvements on North 5th Street between Azure Avenue and the 215 Beltway. If a special improvement district is created for improvements on North 5th Street between Azure Avenue and the 215 Beltway, the developer agrees to participate in the special improvement district.

9. 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.
10. All development along North 5th Street shall provide a minimum twenty foot landscape area/common element adjacent to the right-of-way.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street, Dorrell Lane and Deer Springs Way.

12. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
13. All public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. Extension of the Clark County Regional Flood Control District facility along the North 5th Street frontage is required.
15. Approval of a drainage study is required prior to submittal of the civil improvement plans.
16. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
17. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
18. 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.
19. The developer is responsible for acquiring any roadway, drainage or utility easements needed to construct the project.
20. The property owner is required to grant a roadway easement for commercial driveway(s).
21. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
22. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or

- fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
23. The developer shall provide a thirty-three (33) foot over-pave beyond the centerline of Deer Springs, from North 5th Street to Goldfield Street.
 24. A revocable encroachment permit for landscaping within the public right of way is required.
 25. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
 26. A minimum landscape area of five feet in width, within a common lot, must be provided behind the proposed bus turn-out.
 27. The emergency access location(s) for the project shall not be located on North 5th Street.
 28. Emergency access driveways shall be constructed per *Clark County Area Uniform Standard Drawing No. 226*.
 29. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
 30. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents.
 - b. Balcony areas which are a minimum of 40 square feet in size.
 - c. Patio areas which are a minimum of 80 square feet in size.
 - d. Landscaped buffers a minimum of 10 feet in width along all interior property lines, which shall be provided with 36" box trees spaced not greater than 20 feet on and 80% ground coverage..
 - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
 - f. All required landscaping between the public streets and the perimeter wall or view fence.
 - g. No building greater than one story within 35 feet of the western or northwestern property lines, with the exception of the building located

- adjacent to Deer Springs Way and nearest to the westerly property line shall maintain a 15-foot setback for the residential building.
- h. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
 - l. No utility panels shall be visible from adjacent rights-of-way or properties.
 - j. Clearly defined parking areas with no more than 80 spaces per area.
 - k. Site design that encourages and allows for easy/convenient pedestrian access to North 5th Street, Dorrell Lane, Deer Springs Way and public transportation.
 - l. One trash collection facility within 300 feet of each unit shall be provided if Clark County Health District, City of North Las Vegas Environmental, or Republic Services does not approve the proposed garbage collection plan.
31. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
32. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
33. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.
34. A decorative block wall, between six and eight feet in height, is required along the western property line.
35. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
36. If VN-11-07 is not approved, or the site plan is not amended to comply with all setback requirements, this site plan shall be considered null and void.
37. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.

38. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the civil improvement plans.
39. The SPR-15-07 will be null and void after June 6, 2010.
40. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
 1. Circuitous lighted paths and fitness course;
 2. A minimum of twenty 24-inch box trees per acre;
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
 4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
 5. A minimum of one fitness facility;
 6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
 7. At least one large open space area for group/organized play;
 8. Benches spaced along pathways;
 9. Bicycle racks at 1-2 different locations;
 10. Dog stations at grassy areas;
 11. ADA accessibility; and
 12. Details of amenities to be provided.
41. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
42. Fire access lanes shall be located in accordance with Fire Code requirements.
43. Fire access lanes shall be designed in accordance with Fire Code requirements.

44. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
45. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)
46. The applicant shall comply with all requirements set forth in the attached memorandum from the Police Department.

Tony Celeste, 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;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

9. **SPR-16-07 (38746) DEER SPRINGS GOLDFIELD PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT, INC., ON BEHALF OF CAMDEN OPERATING LP, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 214 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-011.**

The application was presented by Robert Eastman, Principal Planner who explained the application was initially approved with a parking waiver and the applicant was not proposing any changes; therefore, Staff was recommending approval of SPR-16-07 subject to the following conditions:

1. Approval of a traffic study is required prior to submittal of the civil improvement plans.
2. A queuing analysis is required.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. 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.
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. 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. 40' on Deer Springs Way
 - b. 30' on Goldfield Street
 - c. associated spandrels

8. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Full width temporary pavement is required to be constructed on Deer Springs Way from the northeast corner of the property to North 5th Street.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Road.
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 grant a roadway easement for commercial driveway(s).
14. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
17. 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.
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. Full half street construction is required for the area of North 5th Street adjacent to the development. The city also requires a minimum of two twelve foot lanes of travel and six feet of shoulder on the west side of North 5th Street adjacent to parcels 124-22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane at Centennial and North Fifth Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

The developer shall participate in the funding of a traffic study that shall take into account the surrounding area of North 5th Street between Azure Avenue and the 215 beltway. The city shall make the decision on the consultant to perform the traffic study. The developer shall provide the funding for the traffic study by June 30, 2007. Should the traffic study determine that additional improvements are warranted, the developer shall be responsible for additional mitigation measures as determined by the city. Any such mitigation measures must be substantially completed prior to final inspection of the first building.

The North 5th Street improvements, as stipulated in previous conditions, may be satisfied if developer participates in a special improvement district to construct all necessary improvements on North 5th Street between Azure Avenue and the 215 beltway. If a special improvement district is created for improvements on North 5th Street between Azure Avenue and the 215 beltway, the developer agrees to participate in the special improvement district.

21. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
22. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents
 - b. Balcony areas which are a minimum of 40 square feet in size.
 - c. Patio areas which are a minimum of 80 square feet in size.
 - d. Landscaped buffers a minimum of 10 feet in width along the eastern side of the development and the southern property lines.

- e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
 - f. All required landscaping between the public streets and the perimeter wall or view fence.
 - g. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
 - h. No utility panels shall be visible from adjacent rights-of-way or properties.
23. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
24. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
25. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.
26. If VAC-03-07 is not approved, the site plan must be redesigned to include Engel Avenue, a 60-foot right-of-way.
27. A wrought iron fence is allowed along the eastern property line.
28. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
29. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.
30. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials

required prior to submittal of the civil improvement plans.

31. Pedestrian access shall be provided to any pedestrian access easement or right-of-way adjacent to the southern property line, if a suitable alternative is not approved by the Planning and Zoning Department.
32. The SPR-16-07 will be null and void after June 6, 2010.
33. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
 1. Circuitous lighted paths and fitness course;
 2. A minimum of twenty 24-inch box trees per acre;
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
 4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
 5. A minimum of one fitness facility;
 6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
 7. At least one large open space area for group/organized play;
 8. Benches spaced along pathways;
 9. Bicycle racks at 1-2 different locations;
 10. Dog stations at grassy areas;
 11. ADA accessibility; and
 12. Details of amenities to be provided.
34. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
35. Fire access lanes shall be marked to prohibit parking in accordance with the Fire

Code.

36. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)
37. The applicant shall comply with all requirements set forth in the attached memorandum from the Police Department.
38. At least 2% of all 1st level units in all multi-family buildings are required to be type "A" accessibility units and rest of 1st level units shall be type "B". Type "A" and type "B" units shall comply with the provisions of IBC 2006 and ICC/ANSI A117.1-2003.

Tony Celeste, 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;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

The Second Public Forum was heard next.

OLD BUSINESS

10. **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, AND MAY 13, 2009)**

It was requested by the applicant to continue SPR-25-08 to June 24, 2009.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

First Public Forum was heard next.

PUBLIC FORUM

Abner Thompson of Monument Collision thanked the Commissioners for their votes as he was not present at the time the votes were cast on his application, UN-28-09.

DIRECTOR'S BUSINESS

Planning and Zoning Director, Frank Fiori, informed the Commission that American Institute of Architects has not been scheduled to give their presentation on the "Blueprint for Nevada" to City Council but that he is working on finding them a date.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

APPROVED: June 24, 2009

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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