

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

August 12, 2009

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

**CALL TO ORDER:** 6:04 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

**ROLL CALL:** Chairman Dean Leavitt - Present  
Vice-Chairman Steve Brown - Present  
Commissioner Jay Aston - Present  
Commissioner Jo Cato - Present  
Commissioner Dilip Trivedi - Present  
Commissioner Laura Perkins - Present  
Commissioner Joseph DePhillips - Present

**STAFF PRESENT:** Frank Fiori, P & Z Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Naveen Potti, Planner  
Sandra Morgan, Deputy City Attorney  
Jennifer Doody, Development & Flood Control  
Clete Kus, PW, Transportation Planner  
Janice Carr, Fire Department  
Jose Rodriguez, Police Department  
Ernie Buo, Utilities  
Jo Ann Lawrence, Recording Secretary

**WELCOME:** Chairman Dean Leavitt

Chairman Leavitt indicated Commissioner Laura Perkins would be attending the meeting via telephone.

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

**PLEDGE OF ALLEGIANCE:** Chairman Dean Leavitt

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

## PUBLIC FORUM

There was no public participation.

**Item No. 6 was heard next.**

## MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF JULY 8, 2009.**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: Vice-Chairman Brown, Commissioners Perkins and DePhillips

**First Public Forum was heard next.**

**NEW BUSINESS**

1. **VN-10-09 (39289) LA MADRE/LAWRENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES NEVADA, INC., PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A FIVE (5) FOOT CORNER SIDE YARD SETBACK WHERE A TEN (10) FOOT CORNER SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 4916 SEVIER DESERT STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-812-080.**

It was requested by the applicant to continue VN-10-09 to August 26, 2009.

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

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 26, 2009

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

2. **VN-11-09 (39291) LA MADRE/LAWRENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES NEVADA, INC., PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A FIVE (5) FOOT CORNER SIDE YARD SETBACK WHERE A TEN (10) FOOT CORNER SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 4932 SEVIER DESERT STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-812-076.**

It was requested by the applicant to continue VN-11-09 to August 26, 2009.

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

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 26, 2009

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

3. **VN-12-09 (39293) LA MADRE/LAWRENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES NEVADA, INC., PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW AN EIGHT (8) FOOT CORNER SIDE YARD SETBACK WHERE A TEN (10) FOOT CORNER SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 1804 MAGDELENA RIDGE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-35-812-046.**

It was requested by the applicant to continue VN-12-09 to August 26, 2009.

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

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 26, 2009

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

4. **VN-13-09 (39292) LA MADRE/LAWRENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES NEVADA, INC., PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A SIX (6) FOOT CORNER SIDE YARD SETBACK WHERE A TEN (10) FOOT CORNER SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 4828 SEVIER DESERT STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-812-056.**

It was requested by the applicant to continue VN-13-09 to August 26, 2009.

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

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 26, 2009

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

5. **VN-14-09 (39294) LA MADRE/LAWRENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES NEVADA, INC., PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW AN EIGHT (8) FOOT CORNER SIDE YARD SETBACK WHERE A TEN (10) FOOT CORNER SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 4940 SEVIER DESERT STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-812-075.**

It was requested by the applicant to continue VN-14-09 to August 26, 2009.

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

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 26, 2009

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

**Item No. 10 was heard next.**

**6. UN-71-08 (39369) SCOPE PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SCOPE CAMINO AL NORTE LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-614-001.**

The application was presented by Naveen Potti, Planner who explained the proposed amendment would replace the approved 2600 square foot convenience food restaurant with one drive-thru lane with an approximate 400 square foot fast food restaurant with two drive-thru lanes, one running on each side of the building without speaker boxes. The proposed convenience food restaurant was for a Human Bean drive-thru coffee shop. The applicant was requesting a waiver from the foundation landscaping standards. The building was 36 feet by 11 feet in width with drive-thru windows on both sides of the building and a pick-up window for pedestrians along the smaller facade of the building. Staff believed that due to the size of the proposed building and the nature of the business, provisional foundation landscaping around the building would not be practical; therefore, Staff was supporting the requested waiver and was recommending approval of UN-71-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. This development shall comply with all conditions of SPR-24-08 and T-1321.
4. The pedestrian access way connecting the proposed restaurant with Camino Al Norte and the "C-Store" to the south shall be reconfigured to allow for landscaping to be provided in accordance with code requirements. Pedestrian access ways shall not be in-lieu of required landscaping.
5. A minimum of five (5) stacking spaces shall be provided behind the ordering location.
6. A queuing analysis is required.
7. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

**John English, Scope Development, 9505 Hillwood, 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.

Commissioner Dilip Trivedi asked Staff if it was possible to add some above-ground planters on the fourth side of the proposed building.

Marc Jordan, Planning Manager agreed it would be possible to add above-ground planter areas on the east side of the building.

Commissioner Laura Perkins asked if the expected completion date of the entire area was at approximately the same time as the Human Bean or if the Human Bean would be standing alone for a period of time until the remainder of the complex was completed.

Mr. English responded the off-site were currently being constructed and the Green Valley Grocery and Human Bean Restaurant were the only two buildings being completed, along with the on-site work to allow full traffic circulation and the remainder of the buildings would be constructed at a later date.

Marc Jordan, Planning manager stated if it was the Commission's desire, Condition No. 5 would be added and the original Condition No. 5 along with the remainder of the conditions, would be renumbered. Condition No. 5 would read: "Above ground planters shall be provided within the pedestrian area, subject to Staff review and approval."

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

- 5. ABOVE GROUND PLANTERS SHALL BE PROVIDED WITHIN THE  
PEDESTRIAN AREA, SUBJECT TO STAFF REVIEW AND  
APPROVAL.**

**THE ORIGINAL CONDITION NUMBERS 5, 6 AND 7 WERE RENUMBERED.**

**MOTION:** Commissioner Aston

**SECOND:** Commissioner Trivedi

**AYES:** Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato, Trivedi, Perkins, and DePhillips

**NAYS:** None

**ABSTAIN:** None

7. **SPR-24-08 (39370) SCOPE PLAZA. AN APPLICATION SUBMITTED BY SCOPE CAMINO AL NORTE LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO AMEND CONDITION OF APPROVAL REQUIRING FOUNDATION LANDSCAPING. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-614-001.**

The application was presented by Naveen Potti, Planner who explained the extension of time would give the applicant adequate time to submit a revised site and building plans for review and approval. The application also included the same waiver from the foundation landscaping requirements, which Staff was supporting. Staff was recommending approval of SPR-24-08 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
  - a. A decorative wall and/or landscape berm must be provided along all street fronts to prevent headlights from shining onto adjacent rights-of-way. The wall and/or berm shall be a minimum three feet (3.00') above the finished grade of the nearest on-site parking stalls or drive aisles. All walls and berms shall be identified on the Civil Improvement Plans, and Landscape Plans (i.e., Building Plans.)
  - b. ADA pedestrian access paths shall be provided from the sidewalk along Washburn Road to the primary customer entrances of Retail A, Retail B and the "C-Store."
  - c. A minimum 300 square feet of pedestrian plaza area shall be provided in a centrally-located area conveniently accessible from all areas of the development. (The site currently identified adjacent to the north side of the bank is not acceptable.) Any area specifically intended for any particular use (e.g., outdoor dining area for a restaurant, etc.) will not be acceptable.
  - d. Access to all roofs shall be from within the buildings. Exterior roof ladders are not allowed.

- e. Provide foundation landscaping, or a suitable alternative, along each facade featuring a public entrance that abuts a drive aisle or parking stall(s) for all buildings except along the drive-through convenience food restaurant (drive-thru coffee shop).
  - f. Exterior downspouts are not allowed. All downspouts shall be located inside the walls or appropriately screened by architectural embellishments.
  - g. A landscape island shall be located at each end of all rows of parking. The landscape island shall be a minimum six feet in width and shall contain at least one 24" box tree per car length, and adequate shrubs to provide a minimum 60% ground cover within two years of issuance of the Certificate of Occupancy.
  - h. The sidewalk along Washburn Road, unless installed by July 23, 2008, shall be separated from the back-of-curb by a minimum five feet of landscaping, and shall meander.
  - i. The sidewalk along Camino Al Norte, unless installed by July 23, 2008, shall maintain a minimum five-foot (5.00') setback from the property line (i.e., right-of-way), and shall meander.
3. The development shall comply with the Commercial Design Guidelines and Development Standards, with the following exception:
- a. None of the buildings are required to be located at the front minimum setback lines and parking may be located between the buildings and the front perimeter landscape areas.
4. An ADA-accessible route shall be provided through, or adjacent to, the storm drain to the west of the bank. The pedestrian route shall connect the on-site internal pedestrian access path to the sidewalk within the residential development. The path may include deterrents (e.g., bollards, chicanes, stamped concrete, pavers, etc.) to discourage, or prohibit, motorized vehicles from traversing the accessway.
5. Provide two (2) bicycle parking spaces within 100 feet of the primary entrances of each building. A typical bicycle parking space shall be at least 6 feet long by 2 feet wide. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. Bicycle parking facilities shall not interfere with pedestrian accessways or be in-lieu of required landscaping.

6. Pedestrian accessways shall not interfere with, or be in-lieu of, required landscaping, including but not limited to landscape islands at the ends of parking rows.
7. All internal pedestrian accessways shall be clearly delineated by the use of pavers and / or decorative, dyed and stamped concrete.
8. The trash enclosure currently identified near the southeast corner of Retail A building shall be relocated away from the street front. It is recommended to be located to the west of Retail B and south of the transformer that is located at the northwest corner of Retail B.
9. The transformer located at the northeast corner of Retail A shall be relocated to the west side of Retail A.
10. Wheel-stops shall be placed within all parking spaces that abut a sidewalk, plaza area or pedestrian accessway.
11. The existing wall between the residential development and the proposed commercial site shall be painted to match / complement the colors approved for the commercial center.
12. Some form of lighting (e.g., wall-packs, sconces, etc.) shall be provided for the areas to the north and west of Retail A.
13. A "Master Set" of landscape and irrigation plans shall be provided for the areas adjacent to the residential property lines and adjacent to the rights-of-way. The plans shall be submitted with the first building permit application packet. All landscape areas identified on the Master Set shall be installed prior to the issuance of the first Certificate of Occupancy for the site.
14. A uniform sign program for the entire commercial center shall be reviewed and approved prior to issuance of the first building permit.
15. The applicant shall submit a traffic study update for review and approval.
16. Approval of a drainage study is required prior to submittal of the civil improvement plans.
17. The size and location of all proposed drainage facilities and easements are to be determined in the Technical Drainage Study.

18. 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.
19. 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.
20. The easterly driveway on Washburn Road shall align with opposing driveway across the street.
21. A minimum of five stacking spaces shall be provided behind the 'ordering location' for the fast-food restaurant drive-thru's and at the entrance for the car wash. Stacking shall not intrude into drive aisles. A queuing analysis is required for the drive-through convenience food restaurant (coffee-shop).
22. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Camino Al Norte.
23. The property owner is required to grant a roadway easement for commercial driveway(s).
24. 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.
25. A revocable encroachment permit for landscaping within the public right of way is required.
26. The property owner is required to sign a restrictive covenant for utilities.
27. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
28. 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.
29. 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.

30. All off-site improvements must be completed prior to final inspection of the first building.
31. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
32. There shall be security lighting installed outside, and above the rear door of the stores, subject to review and approval by the Police Department during the review of the building permit application(s).
33. The trash enclosure gates shall be hung approximately 8" from the ground to allow visibility into the enclosure.

**John English, Scope Development, 9505 Hillwood, Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with staff recommendation.

Commissioner Jay Aston asked Staff if Condition Nos. 2.e and 21 should be amended.

Robert Eastman, Principal Planner responded Condition No. 2.e should be amended to reflect the condition placed on UN-71-08, but Condition No. 21 in the Staff Report was correct as shown. Condition No. 2.e should be amended to read: "Provide foundation landscaping, or a suitable alternative, along each facade featuring a public entrance that abuts a drive aisle or parking stall(s) for all buildings except above ground planters within the pedestrian area shall be provided for the convenience food restaurant."

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 2.E AMENDED TO READ:

2.E. PROVIDE FOUNDATION LANDSCAPING, OR A SUITABLE ALTERNATIVE, ALONG EACH FACADE FEATURING A PUBLIC ENTRANCE THAT ABUTS A DRIVE AISLE OR PARKING STALL(S) FOR ALL BUILDINGS EXCEPT ABOVE GROUND PLANTERS WITHIN THE PEDESTRIAN AREA SHALL BE PROVIDED FOR THE CONVENIENCE FOOD RESTAURANT.

**MOTION:** Commissioner Aston

**SECOND:** Vice-Chairman Brown

**AYES:** Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato, Trivedi, Perkins, and DePhillips

**NAYS:** None

**ABSTAIN:** None

8. **UN-42-09 (39345) JACK IN THE BOX RESTAURANT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JACK IN THE BOX ON BEHALF OF COHEN PHILIP JOSEPH TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A FREESTANDING SIGN THAT IS 80 FEET IN HEIGHT WITH 225 SQUARE FEET OF SIGNAGE. THE PROPERTY IS LOCATED AT 3821 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-036.**

The application was presented by Naveen Potti, Planner who explained the proposed sign would replace and relocate the collapsed 225 square foot, 80 foot high sign from its current location along the southwest corner of the property with a new freestanding sign. The sign would be located 10 feet west of the existing sign location. Previously, a special use permit in 1997 was approved to permit the 80 foot sign and was upheld by City Council when appealed. At the time of original application, Staff indicated the purpose of the height requirement was to eliminate the unsightly effect of a sign forest. There were few existing signs that were approved prior to the 80 foot sign in the surrounding vicinity, which set a precedent for signage height requirements at that time. After the sign was approved, in May 1998, the City Council adopted an ordinance to establish provisions for high rise signage along the I-15 Corridor, which states that signs located along I-15 may be established at heights not exceeding 60 feet and such signs shall not be located more than 1500 feet from the center of the Craig Road interchange, Cheyenne Avenue interchange or Hollywood Boulevard interchange. Adoption of Ordinance No. 1270 in May 1998 made the sign legally non-conforming so it could remain in its original shape, form and location. According to the current sign ordinance, only one 125 square foot, 18 foot high sign was allowed for all businesses with floor areas under 25,000 square feet. Currently, the property has one sign along Craig Road and the proposed sign was located 1650 feet from the center of the Craig Road interchange. Staff felt the sign would become a non-conforming sign and was not supporting the application. Staff was recommending denial of UN-42-09; 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 ordinances.
2. That UN-42-09 is site-specific and non-transferrable.
3. The sign shall not exceed 80 feet in height and shall not exceed 225 square feet in area.

**Bob Failing of Vision Sign, 6630 Arroyo Springs Street #600, Las Vegas, NV 89113** appeared on behalf of the applicant explaining the sign currently on the property had failed due to high winds and broken welds, and Jack in the Box no longer did business with the company who had originally installed the sign. He asked for approval to relocate the sign

and explained the reason the sign was off-set and closer to the freeway and the property line was due to the foundation and footing that held up the existing sign. He was not able to place the sign in the same location, as it had to be off-set for structural reasons.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston did not feel the proposed sign should be restricted to 18 feet, but an 80 foot sign should not be allowed and would be agreeable to a 60 foot sign.

Commissioner Dilip Trivedi felt it was time to set a precedence to conform to the new ordinance requirements and asked the current height restriction.

Mr. Potti responded the current height restriction was 18 feet.

Commissioner Trivedi agreed with Commissioner Aston, that 18 feet was too low and 80 feet was too high.

Commissioner Jo Cato did not want to penalize the applicant with an 18 foot high sign but felt 80 feet was too tall and would be supportive of a 60 foot tall sign.

Commissioner Steve Brown disagreed with other Commissioners' comments as the sign ordinance was developed so that when it was necessary to replace a sign due to damage or age, they would not be replaced with the taller signs and was opposed to the application. He pointed out there were signs along the freeway advertising services available at the various off ramps.

Commissioner Laura Perkins agreed that an 80 foot sign was too tall and now that the sign needed to be replaced, it should be brought into compliance with current code. She would be willing to go higher than the 18 feet, but was not supportive of 80 feet.

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

3. THE SIGN SHALL NOT EXCEED 60 FEET IN HEIGHT AND SHALL NOT EXCEED 225 SQUARE FEET IN AREA.

**MOTION:** Commissioner Aston

**SECOND:** Commissioner Cato

**AYES:** Commissioners Aston, Cato, Trivedi, and DePhillips

**NAYS:** Chairman Leavitt, Vice-Chairman Brown, and Commissioner Perkins

**ABSTAIN:** None

9. **UN-45-09 (39367) KNOCKOUT AUTO SALES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KNOCKOUT AUTO SALES ON BEHALF OF SOUTH TECH BROOKS 2750K, 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 2750 WEST BROOKS AVENUE, SUITE 108. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-011.**

The application was presented by Naveen Potti, Planner who explained the applicant stated in the Letter of Intent, that in conjunction with the proposed auto repair use, an energy producing hybrid wind solar/mast of 13' 5" in height would be placed on a temporary brace in front of the building. The wind solar mast would assist in the research and development of renewable energy. The subject suite was 1900 square foot in size with one service bay located in the Cheyenne West Corporate Center. Staff was recommending approval of UN-45-09 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. A minimum of four (4) customer parking spaces are required for the development.
4. All vehicles stored overnight shall be kept behind screened fencing, or stored indoors.

**Tyrone Armstrong of Knockout Auto Sales, 2750 North Brooks Avenue #108, North Las Vegas, NV 89032 and Jeff Wilson (no address stated)** appeared on the application. Mr. Wilson read portions of a letter, (copy in file) and was requesting that the proposed wind turbine be part of the application.

Staff informed the Commission that the wind turbine was allowed in the M-2, Industrial District and explained the application being considered was for an automobile repair facility.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Steve Brown clarified with Staff that the wind turbine would be approved or disapproved during the building permit stage and asked if they were voting on the wind turbine.

Robert Eastman, Principal Planner explained, when reviewing the application, Staff

determined that the alternative energy tower, being requested by the applicant, was not part of the application because it was principally permitted and it was not necessary to be reviewed by the Commission; therefore, as long as the applicant complied with the building permit process, it would be approved and allowed. The Commission was considering the auto repair use only.

Chairman Leavitt asked the applicant if he understood.

Mr. Wilson stated he understood but was not sure he agreed, as the energy mast would produce energy to batteries, which was part of the application for the alternative use vehicles and was part of the charging station being created.

Chairman Leavitt explained the wind turbine was a principally permitted use and the variance being requested was for automotive.

Mr. Wilson indicated that was not made clear in the Staff Report.

Commissioner Dilip Trivedi was confused and asked the applicant if they were selling automobiles or if they would be repairing vehicles.

Mr. Armstrong explained he had applied for an auto repair license and auto sales, but when he submitted his application, was told the only business he could have at the proposed location without a special use permit was auto sales, so he submitted for auto sales, so he would have a license to open his business.

Commissioner Trivedi asked if auto sales were permitted and if the business would be advertised as auto sales.

Marc Jordan, Planning Manager explained the application was for a special use permit for an auto repair facility in an M-2 District and that was all that was advertised because automobile sales was principally permitted and did not need approval. As long as the applicant went through the proper business licensing process, the Planning Department would have signed off for the business license and when the applicant went through the proper permitting process for the wind turbine through the Building Department, it would be reviewed by the Planning Department to be sure they complied with Code, then they would be allowed a building permit to proceed with installation of the wind turbine. Mr. Jordan stated the use permit for an automobile repair facility was the only use being considered with the proposed application.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

**MOTION:** Commissioner Cato

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

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

10. **UN-44-09 (39359) CHECKERS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FOOD IN THE FAST LANE LLC, ON BEHALF OF MALIGAYA ASIAN CENTER, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED NORTH OF CRAIG ROAD AND APPROXIMATELY 500 FEET EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-215-024.**

It was requested by the applicant to continue UN-44-09 to September 9, 2009.

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

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO SEPTEMBER 9, 2009

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

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

11. **UN-43-09 (39352) FAMILY SMOG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MOHAMMAD M. WAKED ON BEHALF OF MERCADO DEL PUEBLO LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG STATION). THE PROPERTY IS LOCATED AT 2987 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-506-005.**

The application was presented by Robert Eastman, Principal Planner who explained the site also contained a grocery store and was zoned C-2 in the North Redevelopment area. The site contained both a grocery store and car wash, a watermill express, and another small strip commercial building. The applicant submitted a site plan that proposed to convert one stall from the car wash into a smog testing facility. As a use, Staff was not opposed, but was concerned that the site plan was not drawn accurately. On site, there was a fenced area not depicted on the site plan, which was shown as off street parking, yet when going to the site, the area was found to be a gated area used for outdoor storage and parking. Outdoor storage was not allowed in a C-2 District and it was taking away parking; so, the center did not meet parking requirements. The additional smog check facility would add and create a greater demand for parking and would make the center more out of compliance for the parking. Therefore, Staff was requesting UN-43-09 be continued to allow the applicant sufficient time to submit a revised site plan accurately depicting the site and change the existing site to show compliance with parking standards. Should the Commission determine approval is warranted, the following conditions are recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That UN-43-09 is site-specific and nontransferable.
3. That at a minimum, a total of 152 parking spaces shall be allocated for patron parking on the site and none of the 152 parking spaces may be placed an area which is enclosed or gated off from the public.

**Dennis Basilio 2416 Mountain Rail Drive, North Las Vegas, NV 89084** appeared on behalf of the applicant stating he was aware the site plan was incorrect as old data was used in the preparation. He personally counted the parking spaces and there were 164 spaces and he understood 152 spaces were required, but 16 of the spaces were in the gated area. He submitted a letter from the property owner, indicating the gated area would be open for customer use from 7:00 a.m. to 10:00 p.m. daily. The gate was closed at 10:00 p.m. for security purposes. If the spaces in the gated area were to be considered, they would have 164 parking spaces available, even though some of the spaces were used for

the water kiosk. He agreed to update the site plan before the application was heard by the Redevelopment Agency.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi asked Staff if the applicant were to use the fenced area, if they would meet parking requirements.

Mr. Eastman responded they would.

Commissioner Trivedi asked the applicant if it was possible to rearrange to site so the parking was outside of the fenced area.

Mr. Basilio responded he submitted the letter from the owner, as the gated area was open during business hours.

Mr. Eastman stated there was an amendment to Condition No. 3, to ensure the gates remained open during business hours. Condition No. 3 would be amended to read: "That a minimum, a total of 152 parking spaces shall be allocated for patron parking on the site and none of the 152 parking spaces may be placed in an area which is enclosed or gated off from the public during business hours."

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

3. THAT AT A MINIMUM, A TOTAL OF 152 PARKING SPACES SHALL BE ALLOCATED FOR PATRON PARKING ON THE SITE AND NONE OF THE 152 PARKING SPACES MAY BE PLACED IN AN AREA WHICH IS ENCLOSED OR GATED OFF FROM THE PUBLIC DURING BUSINESS HOURS.

**FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION.**

**MOTION:** Commissioner Trivedi

**SECOND:** Vice-Chairman Brown

**AYES:** Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato, Trivedi, Perkins, and DePhillips

**NAYS:** None

**ABSTAIN:** None

12. **VN-15-09 (39355) JOHNSTON COVER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY POLAR SHADES ON BEHALF OF GEORGE DWAYNE JOHNSTON, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A TWO (2) FOOT SIDE YARD SETBACK WHERE A FIVE (5) FOOT SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 725 PICASSO PICTURE COURT. THE ASSESSOR'S PARCEL NUMBER IS 124-35-314-017.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant constructed an attached carport or patio cover without a building permit and since that time, Code Enforcement had reviewed and cited the applicant and part of the compliance was to obtain a variance. The neighboring property had a similar circumstance with a carport and when they were cited by Code Enforcement, they corrected their setbacks and now meet the five foot setback requirement. Staff was concerned with the legal requirements for a variance, as it requires that the applicant prove that their lot is unique in some circumstance that would require a variance to reduce the setback or to prove that without the variance, that it was an onerous hardship that could not be solved in some other way. Staff does not feel the lot was unique as it was a relatively standard single-family lot similar to others on the street, and while there was a financial impact by correcting the carport, financial difficulty, by law, was not a hardship; therefore, Staff was recommending denial of VN-15-09. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes, and ordinances.
2. That a two (2) foot building setback along the subject property's eastern property line shall be allowed as measured from the structure's overhang of its eaves.

**Dave Weaver, Equanox Manufacturing, 1316 South 400 East, St. George UT** appeared on behalf of the applicant, representing Polar Shades, the company who built the patio cover. He explained he was the manufacturer of the patio cover system and Mr. Johnston purchased the cover through Polar Shades who was a licensed company, but had an unscrupulous salesman, who sold the patio cover to the Johnstons approximately five years ago. No permit was pulled and it was understood that it encroached on the side setbacks. The cover was turned in by a neighbor who wanted a similar cover and was told by the Building Department that it was not legal. Mr. Weaver explained he had no financial interest, other than trying to avoid a lawsuit threatened to Polar Shades by Mr. Johnston. He had spoken to Mr. Johnston who was agreeable to a three foot setback, which would allow him full use of the patio cover and he would not proceed with a lawsuit against Polar Shades and the Equanox Company would make the adjustments. He pointed out the structure was built from non-flammable materials.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston stated his diagram showed an existing two foot to the eaves and three foot to the post and asked Mr. Weaver what he was proposing.

Mr. Weaver responded that was what was being proposed.

Commissioner Aston inquired what currently existed on the site.

Mr. Weaver responded at the current time, the structure was within six inches of the boundary line.

Commissioner Aston asked if the louvers were aluminum.

Mr. Weaver responded the louvers were steel and the frame work was extruded aluminum.

Commissioner Aston asked what material was used for the post.

Mr. Weaver responded the posts were also aluminum.

Commissioner Aston asked if the materials were fire resistant.

Janice Carr of the Fire Department explained Code dictated that the materials must be fire rated.

Commissioner Aston asked if it was know whether the materials were fire rated.

Ms. Carr responded it was not known.

Mr. Weaver explained the materials were not fire rated according to an ICC Report; but, the structure could be fire rated with a sheet rock and stucco application according to International Building Code (IBC).

Commissioner Aston pointed out that it appeared the structure on the other side of the wall was also close to the wall.

Marc Jordan, Planning Manager showed an overhead of the property, pointing out the neighbor's patio, who had already brought his patio cover into compliance with the building code.

Commissioner Aston asked if the neighbor's patio was constructed of the same material as the applicant's patio structure.

Mr. Weaver responded it was an aluminum structure, but was a lighter gauge material.

Commissioner Aston clarified the structure was currently within six inches of the property line and the proposal was to take the eaves within two feet and the posts within three feet of the property line.

Mr. Weaver indicated that was correct.

Commissioner Steve Brown asked if the current rule of five feet from the property line was for aesthetics or for fire related issues.

Mr. Jordan responded the setback was for fire purposes.

Commissioner Brown asked Fire Department Staff if they were okay with the two foot setback because the patio was constructed from metal.

Janice Carr of the Fire Department responded the Building Code stated the structure must be fire rated and within three feet from the property line.

Commissioner Dilip Trivedi asked if the five foot setback was to the structure or the overhang.

Mr. Jordan responded the five foot setback was to the structure, or the post in this case. The Zoning Ordinance allowed eaves on the roof to encroach into the side yard provided they were not closer than three feet to the side property line.

Commissioner Laura Perkins asked the distance of the overhang with the current construction.

Mr. Weaver responded currently the overhang was six inches from the property line.

Commissioner Trivedi suggested, since the structure was being modified, it should be brought into compliance with the Zoning Ordinance and agreed with Staff recommendation and felt ignorance was not bliss and the Company's excuse that the employee had done things improperly was got good enough.

Commissioner Jo Cato agreed with Commissioner Trivedi and felt the issue should have been taken care of when it was discovered the structure was installed improperly and without permits and felt the structure should be brought into compliance with Code.

Commissioner Aston indicated he would be in support of a minimum three foot to the fascia with fire rated material.

Commissioner Perkins asked if a building permit had not been pulled prior to construction.

It was indicated that was correct.

Commissioner Perkins clarified this could have been avoided if the building permit had been pulled and the setback had been met when the structure was built.

It was indicated that was correct.

Chairman Leavitt agreed with Commissioner Aston and could approve the structure being fire rated within three feet of the property line.

Mr. Weaver agreed to a setback of three feet to the fascia and the structure being built with fire rated material.

Mr. Eastman stated Condition No. 2 would be amended to read: "That a three (3) foot building setback along the subject property's eastern property line shall be allowed as measured from the structure's overhang of its eaves and be constructed of fire rated material".

Commissioner Brown felt the structure should be brought into compliance with Code and recommended the application be denied.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 2 AMENDED TO READ:

2. THAT A THREE (3) FOOT BUILDING SETBACK ALONG THE SUBJECT PROPERTY'S EASTERN PROPERTY LINE SHALL BE ALLOWED AS MEASURED FROM THE STRUCTURE'S OVERHANG OF ITS EAVES AND BE CONSTRUCTED OF FIRE RATED MATERIAL.

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Commissioners Aston, Cato, Perkins, and DePhillips

NAYS: Vice-Chairman Brown and Commissioner Trivedi

ABSTAIN: None

**Item No. 14 was heard next.**

13. **T-1335 (39314) DECATUR DESERT PLAZA. AN APPLICATION SUBMITTED BY DECATUR DESERT PLAZA, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-401-003.**

It was requested by the applicant to continue T-1335 to September 9, 2009.

ACTION: CONTINUED TO SEPTEMBER 9, 2009

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

**Approval of Minutes was heard next.**

**14. WAV-05-09 (39354) ALCO LANDSCAPE FACILITY EXPANSION. AN APPLICATION SUBMITTED BY FERNANDO ARRIAGA, PROPERTY OWNER, FOR A WAIVER IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO WAIVE THE CURB, GUTTER, AND SIDEWALK IMPROVEMENTS AS REQUIRED BY TITLE 16. THE PROPERTY IS LOCATED AT 119 WATER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-811-005.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to improve the site by adding onsite improvements including screen walls and the required paving for the storage facility; however, was requesting a waiver of the Title 16 requirements, which require curb, gutter and sidewalk off the site to be waived. In general, off-site improvements were not waived and the proposed waiver request was not being supported. There were other properties in the area, who had started their improvements, which were required, and it was felt waiving the off-sites at this time would set a precedent; therefore, Staff was recommending that WAV-05-09 be denied.

Commissioner Jay Aston disclosed Alco Landscaping was a subcontractor of Ryland Homes, the company he worked for, but would not affect the decision regarding this application.

**Chris Thompson, with RCI Engineering & Survey, 3281 South Highland Drive, Las Vegas, NV** appeared on behalf of the applicant stating there were extenuating circumstances relative to the site. He pointed out there was a jog on the south side of the right-of-way, south of centerline, there was currently a 14 foot dedicated right-of-way, a cell site tower located about six feet from the edge of the right-of-way, and when that was built, the right-of-way was not offered or accepted for dedication or the frontage improvements constructed and with the proposed site being across the street, it was felt it was not warranted to construct the half-street improvements unless through eminent domain or some other means, the additional right-of-way would be obtained, there would never be a true 52 foot right-of-way section through that area. Also, the terminus of water abuts to the Union Pacific Rail Road train spur and then I-15. Access through that area was only from UPRR and NDOT for maintenance and access to their facilities. Mr. Thompson explained how the site would be constructed.

Commissioner Jay Aston asked if the site was being paved, where the nuisance flow would go.

Mr. Thompson explained grading plans had been reviewed and the site would continue to drain as it had previously. The right-of-way on Water Street would be graded to contain and carry the flow to the east and the site would continue to drain to the north.

Commissioner Aston clarified most of the site would be asphalt and the water would drain on the asphalt then hit the gravel flow line and would then go into a concrete flow line.

Mr. Thompson responded most of the site would drain to the north, away from Water Street in its historic drainage pattern, which was over land and onto adjacent properties to the northeast.

Commissioner Aston asked if the water would be draining onto someone else's property.

Mr. Thompson responded that was correct.

Commissioner Aston asked how that would work.

Mr. Thompson responded the site would continue to drain in a sheet flow manner as it has done historically in accordance with drainage law and would not make an impact to drainage patterns.

Commissioner Aston asked Jennifer Doody of Public Works, if she had reviewed the drainage on the site.

Ms. Doody responded, she had not personally reviewed the drainage, but one of her engineers had and explained, because the site was so small and a building was not proposed, a drainage study was not required and as far as the site would be hard graded in the future and once the improvements were in, the drainage would be reviewed. The drainage study waiver was approved because there was no building, so there was no footage floor elevation to be reviewed and the site was small enough that the impacts were minimal.

Commissioner Aston asked about the street easements.

Ms. Doody explained the items pointed out by Mr. Thompson were on the south side of the street, so they did not impact the improvements required of the applicant. There was adequate right-of-way on the north side, for the applicant to complete the curb, gutter and sidewalk as required. Curb, gutter and sidewalk was constructed up to the eastern property line, so they were being asked to continue it along the frontage of the site. She explained when the site to the south came in, because there were some public standards that allowed sidewalks only on one side of the street for lesser street widths, which is what was there, the south side would be just curb and gutter and then landscaping in between.

Mr. Eastman explained the application would be forwarded to City Council for final consideration.

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

MOTION: Commissioner Cato  
SECOND: Commissioner Trivedi  
AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato,  
Trivedi, Perkins, and DePhillips  
NAYS: None  
ABSTAIN: None

**OLD BUSINESS**

15. **UN-35-09 (39049) ST. CHARLES TOWER-KELFAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ST. CHARLES TOWER, INC. ON BEHALF OF PARK CENTRAL PLAZA 32, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 100-FOOT TELECOMMUNICATION TOWER. THE PROPERTY IS LOCATED NORTH OF ANN ROAD APPROXIMATELY 730 FEET EAST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-003. (CONTINUED JULY 8, 2009)**

The application was presented by Robert Eastman, Principal Planner who explained, since the continuation at the July 8, 2009 Planning Commission meeting, the applicant submitted a revised site plan that made some minor changes to the site and was now in compliance with all Code requirements; therefore, Staff was recommending approval of UN-35-09 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 the tower must be monopine in design and not exceed 100 feet in height;
3. The enclosure and equipment shelter shall be constructed with decorative block and a metal gate that coincides in material, design and color of the existing commercial development;
4. A minimum six feet (6') of landscaping shall be provided adjacent to the enclosure along the east and south elevations.
5. Landscaping for each elevation shall consist of one (1) twenty-four inch box tree and ground covering that will provide a minimum ground coverage of sixty percent (60%). Landscape and irrigation plans shall be submitted in conjunction with the building permit application packet;
6. The access gate shall not be visible from Ann Road;
7. Any area that is intended to be used by a vehicle shall be paved with concrete or asphaltic concrete.
8. Fire access lanes shall be designed and located in accordance with Fire Code requirements.

**John Vornsand, 2657 Windmill Parkway, Henderson, NV 89074** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Perkins

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

Planning and Zoning Director Frank Fiori, asked the Commission if they would be agreeable to holding a joint meeting with the Parks and Recreation Advisory Board on November 10, 2009 to discuss and make a recommendation on the Bikes and Trails Master Plan, which was unanimously agreed upon by the Commission.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 7:35 p.m.

APPROVED: September 9, 2009

/s/ Dean Leavitt  
Dean Leavitt, Chairman

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