

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

November 10, 2010

BRIEFING: 5:36 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

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

STAFF PRESENT: Frank Fiori, Community Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Vicki Adams, Planner
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Ish Garza, Public Works, Traffic
Janice Thomas, Fire Department
Jose Rodriguez, Police Department
Xiaohui Yu, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dilip Trivedi

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jay Aston

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 13, 2010.**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **VAC-08-10 (41832) ALLORA II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC, ON BEHALF OF ZOMACK 1 LLC, ETAL AND RYLAND HOMES NEVADA, LLC, PROPERTY OWNERS, TO VACATE AN UNDERGROUND DRAINAGE EASEMENT. THE EASEMENT IS LOCATED ON PROPERTY AT THE NORTHEAST CORNER OF BLAKE CANYON DRIVE AND BURMA ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-07-501-015.**

Commissioner Jay Aston abstained, as he is employed by Ryland Homes, the applicant.

Commissioner Aston left Chambers at 6:03 p.m.

The application was presented by Marc Jordan, Planning Manager who explained the application was to vacate an underground drainage easement that was approximately 380 feet long and 12 feet wide, located on property near Burma Road and Blake Canyon Drive with R-2 zoning. In May, 2010, the Commission approved a tentative map for development on the subject property, that would allow a 64 lot two-family residential subdivision. The proposed vacation was consistent with the approved tentative map and the applicant indicated they would dedicate a new drainage easement on the property. Staff was recommending approval of VAC-08-10 with the following conditions:

1. The vacation shall record concurrently with the final map for Allora II.
2. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

Gregory Rivero of Solarus, 5109 Gentle River Avenue, Las Vegas, NV 89130 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: Commissioner Aston

Commissioner Aston returned to Chambers at 6:05 p.m.

2. **VN-07-10 (41900) 705 DUCHESS AVENUE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOHN SAIN, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO ALLOW A 3' 6" SIDE YARD SETBACK ON THE WEST SIDE AND A 3' 11" SIDE YARD SETBACK ON THE EAST SIDE WHERE A FIVE (5) FOOT SIDE YARD SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 705 DUCHESS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-311-034.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was cited by the Building Department in December, 2009 due to a complaint that was filed for a garage, patio cover and porch addition being built without permits. The existing improvements do not comply with the required setbacks for the area. In reviewing the application, because the property was a typical R-1 property, there was nothing unique about the property that would warrant support by Staff for a variance and the applicant had not shown there was a hardship that would warrant support; therefore, Staff was recommending denial of VN-07-10. 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. The setback from the constructed garage on the west side of the property shall be 3'6".
3. The setback from the constructed patio on the east side of the property shall be 3'11".
4. A building permit shall be obtained so the project conforms to the adopted codes 2006 IRC, 2006 UMC, 2006 UPC, 2006 IECC, 2005 NEC, 2003 ICC/ANSI A117.1, all the 2006 Southern Nevada Amended Codes.

Herb Gafney, 613 Overview Drive, Las Vegas, NV 89145 and **John Sain, P.O. Box 620082, Las Vegas, NV 89162** appeared on the application.

Mr. Gafney explained the original construction was done prior to Mr. Sain acquiring the property and he had just completed what was started by a previous owner. At one point, there were tenants on the property and when they moved out, someone had stripped all of the copper, wiring and plumbing from the home.

Chairman Dilip Trivedi asked the applicant when the patio cover was built.

Mr. Gafney responded he was not sure when the work was initially started.

Mr. Sain explained he acquired the property more than three years ago and at that time, construction on the additions was not complete. After he purchased the property, he completed the work and indicated he was willing to do whatever was necessary to legalize the additions.

Vice-Chairman Steve Brown verified there were no complaints from the neighbors. He agreed with the applicant that the property was nice and since there were no neighbors in attendance complaining of the additions, he could support approval, if the property was brought into compliance.

Commissioner Jo Cato agreed with Vice-Chairman Brown and was also in support of the application, as there were no neighbors in opposition to the application.

Mr. Gafney explained they were assessing whether it would be worth repairing the entire home or taking down the improvements and asked how long they had to bring the property into compliance.

Mr. Jordan suggested the applicant contact the Building Department for that information.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Chairman Trivedi agreed with comments made by Vice-Chairman Brown and Commissioner Cato.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

3. **SPR-15-07 (41644) DEER SPRINGS & NORTH 5TH. 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. (CONTINUED OCTOBER 13, 2010)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant had originally requested and received waivers of the parking requirements and the waiver was to reduce the parking from the required 428 spaces to 363 spaces and the site plan was originally approved March 28, 2007 and since that time, there had been two extensions of time and the applicant was requesting another extension of time, which, if approved, would be for one year, since Title 17 only allowed a one year extension for a site plan review. While on the surface, it does not appear there were any major changes along the North 5th Street Corridor that would warrant a change in Staff's recommendation, the Regional Transportation Commission (RTC) changed their plan for North 5th Street. North Fifth Street was going to have bus rapid transit, a higher capacity transit facility and now with the changes in the economy and the changes in either land use and policies with RTC, they do not envision bus rapid transit in that location for a number of years and it was not contemplated for 20 years or more; therefore, Staff does not feel there was an adequate need to reduce parking, as the transit would not be there to warrant the reduction in traffic; therefore, Public Works was recommending that SPR-15-07 be denied; however, there was language in place if the Commission wished to allow the development to be built, but meeting the parking standards and using a phased development, so later, as transit came to the area, the developer could remove some of the parking and add additional buildings to get to the proposed site plan. Should the Commission determine approval was warranted, the following conditions were recommended:

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. The project shall be developed in a phased approach and a new site plan shall be provided. The first phase of development shall provide the current required amount of parking spaces corresponding with the number of units being proposed for construction. When rapid transit service is established, the second phase can include the additional units.
30. Prior to submittal of the final map and civil improvement plans, five (5) copies of a Conforming Site Plan incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works and the Planning and Zoning Department.
31. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
32. 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 center 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.
 - i. 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.
33. 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.
34. 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.
35. 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.
36. A decorative block wall, between six and eight feet in height, is required along the western property line.
37. 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.

38. 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.
39. 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.
40. The SPR-15-07 will be null and void after June 6, 2011.
41. 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.
42. 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.

43. Fire access lanes shall be located in accordance with Fire Code requirements.
44. Fire access lanes shall be designed in accordance with Fire Code requirements.
45. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
46. 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.)

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant giving some history on Camden Development who owns income producing properties and requested his comments be used for both SPR-15-07 and SPR-16-07. Camden Development was committed and had a large piece of investment property along the North 5th Street Corridor and had bought into it and believed in it. The developer owned the property outright and planned to develop it in the near future. He showed a view of the property and explained there were two apartment projects with waivers to reduce parking along the North 5th Street Corridor. Building permits were ready to be pulled in 2008 and they could have vested the property; however, because Camden was a smart developer, they decided not to pull building permits due to the economic situation. If the permits had been pulled, the projects would be only half built and sitting vacant. He felt there were some flaws in Staff's analysis. Camden would not be building in the area until at least 2013, because of the non-growth, the developments were not coming on line anytime soon, so when the development comes on line, the bus rapid transit might be coming on line also. The real time line was not known and the economy may change in the next five to ten years. Mr. Gronauer stated there were two components to his argument when the application was originally approved, one was the transit oriented type of development which allowed up to 260 parking spaces for 214 units, that is if you were in a true transit oriented corridor. The parking requirements for both projects were close to 300 parking stalls where 428 parking stalls were required, so even if the parking was just based on the transit oriented argument itself, they exceeded the requirements. He agreed with Staff, if there was no transit oriented corridor, there would be some problems with the project. He pointed out they had done studies with respect to Camden's existing developments in the Las Vegas valley on similar projects and also projects in the City of North Las Vegas. One of the projects was Craig Ranch Villas and the traffic engineer did counts at 10 a.m. and 12 a.m., which were peak times when vehicles would be parked in apartment complexes. At peak levels in the morning, there was 70% of the parking spaces available or 40% at 12 a.m. and it was consistent with other complexes. It showed the City's code had a high threshold for a parking requirement and they had also submitted a chart showing the City of Las Vegas, Clark County, and the City of Henderson parking requirements, along with North Las Vegas requirements which showed North Las Vegas had a higher threshold on

the parking requirements. The proposed project was required to have 428 parking spaces and they were providing 390 spaces for SPR-15-07. If the same project was being built in the City of Las Vegas, they would be required to have 369 parking spaces and in Clark County they would be required to have 376 spaces, and in the City of Henderson they would be required to have 401. Part of the argument was that due to the transit oriented corridor, the reduction in parking should be approved and the other part of the argument was that there were a lot of parking spaces that were not used and the last part was because of the valley, not everyone worked eight to five, so there was a constant turn of vehicles in apartments. He was requesting a two year extension of time, but understood the Code only allowed for a one year extension and he was sure there would not be development on the project in the next year. Mr. Gronauer requested, if the application were approved, that Condition Nos. 29 and 30 be deleted, as it was not practical to build in phases.

Commissioner Jo Cato indicated the North 5th Street transit concept was sold to developers approximately three years ago and she did not feel because the City was dealing with a growth problem, the developer should be penalized by the City changing the criteria from what was previously approved. RTC slowed their project due to the economy and the developer wants to remain in the City and was in support of the applicant's request for an extension of time and the deletion of Condition Nos. 29 and 30.

Commissioner Jay Aston concurred with Commissioner Cato's comments. He asked the parking requirement per unit.

Marc Jordan, Planning Manager responded the requirement was dependent on how many bedrooms the unit had. For one bedroom, it was 1.5, for two bedroom it was 1.75 and for three bedrooms it was 2 and there was also guest parking factored in.

Commissioner Aston asked the average parking required for the site per Code.

Mr. Gronauer stated for the proposed project, the parking was 1.75 spaces per residential unit plus 54 spaces required and in the submitted studies, they were coming in at 1.70 spaces per unit aggregate resident and visitor parking.

Commissioner Aston was in support of the applicant's request with the deletion of Condition Nos. 29 and 30.

Vice-Chairman Steve Brown understood when the North 5h Street Corridor was developed, they wanted the developers to bring in the units to raise the density to warrant the RTC putting in bus rapid transit and if the City were to change now, the transit would never happen. He was in support of the application with the deletion of Condition Nos. 29 and 30.

Commissioner Dean Leavitt agreed with other Commissioners' comments and was in support of the application.

Mr. Eastman stated if the Commission was choosing to approve the application, besides deleting Condition Nos. 29 and 30, the Utilities Department requested that Condition No. 42 also be deleted.

Chairman Dilip Trivedi asked if the application were approved, if the developer would be coming back with another site plan, or if they would be building what was approved at this meeting.

Mr. Eastman explained because site plan reviews were good for only one year, the applicant most likely would come back before the Commission within a year, or a couple more times before the project was started and once they begin construction, it would be per the plans approved. If the site plan review was approved at this meeting and then was extended a couple more times, it would be per the plans on file.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 29, 30 AND 42; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

- 4. SPR-16-07 (41643) DEER SPRINGS & GOLDFIELD. 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. (CONTINUED OCTOBER 13, 2010)**

The application was presented by Robert Eastman, Principal Planner who explained the application was similar to SPR-15-07 and received the parking waiver due to the proximity to North 5th Street. Staff was recommending denial of SPR-16-07 due to the lack of Regional Transportation Commission (RTC) support at this time or proposed in the future. If the Commission determines approval was warranted, based on the arguments made in Item No. 3, SPR-15-07, Condition Nos. 21, 22 and 36 would be deleted. The original conditions recommended by Staff are as follows:

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. The project shall be developed in a phased approach and a new site plan shall be provided. The first phase of development shall provide the current required amount of parking spaces corresponding with the number of units being proposed for construction. When rapid transit service is established, the second phase can include the additional units.
22. Prior to submittal of the final map and civil improvement plans, five (5) copies of a Conforming Site Plan incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works and the Planning and Zoning Department.
23. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
24. 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.
25. 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.
26. 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.
27. 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.
28. If VAC-03-07 is not approved, the site plan must be redesigned to include Engel Avenue, a 60-foot right-of-way.
29. A wrought iron fence is allowed along the eastern property line.
30. 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.
31. 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.
32. 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.

33. 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.
34. The SPR-16-07 will be null and void after June 6, 2011.
35. 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.
36. 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.
37. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
38. 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.)

39. 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.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant requesting that his comments from Item No. 3, SPR-15-07 be incorporated into this application as follows:

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant giving some history on Camden Development who owns income producing properties and requested his comments be used for both SPR-15-07 and SPR-16-07. Camden Development was committed and had a large piece of investment property along the North 5th Street Corridor and had bought into it and believed in it. The developer owned the property outright and planned to develop it in the near future. He showed a view of the property and explained there were two apartment projects with waivers to reduce parking along the North 5th Street Corridor. Building permits were ready to be pulled in 2008 and they could have vested the property; however, because Camden was a smart developer, they decided not to pull building permits due to the economic situation. If the permits had been pulled, the projects would be only half built and sitting vacant. He felt there were some flaws in Staff's analysis. Camden would not be building in the area until at least 2013, because of the non-growth, the developments were not coming on line anytime soon, so when the development comes on line, the bus rapid transit might be coming on line also. The real time line was not known and the economy may change in the next five to ten years. Mr. Gronauer stated there were two components to his argument when the application was originally approved, one was the transit oriented type of development which allowed up to 260 parking spaces for 214 units, that is if you were in a true transit oriented corridor. The parking requirements for both projects were close to 300 parking stalls where 428 parking stalls were required, so even if the parking was just based on the transit oriented argument itself, they exceeded the requirements. He agreed with Staff, if there was no transit oriented corridor, there would be some problems with the project. He pointed out they had done studies with respect to Camden's existing developments in the Las Vegas valley on similar projects and also projects in the City of North Las Vegas. One of the projects was Craig Ranch Villas and the traffic engineer did counts at 10 a.m. and 12 a.m., which were peak times when vehicles would be parked in apartment complexes. At peak levels in the morning, there was 70% of the parking spaces available or 40% at 12 a.m. and it was consistent with other complexes. It showed the City's code had a high threshold for a parking requirement and they had also submitted a chart showing the City of Las Vegas, Clark County, and the City of Henderson parking requirements, along with North Las Vegas requirements which showed North Las Vegas had a higher threshold on the parking requirements. The proposed project was required to have 428 parking spaces and they were providing 390 spaces for SPR-15-07. If the same project was being built in the City of Las Vegas, they would be required to have 369 parking spaces and in Clark

County they would be required to have 376 spaces, and in the City of Henderson they would be required to have 401. Part of the argument was that due to the transit oriented corridor, the reduction in parking should be approved and the other part of the argument was that there were a lot of parking spaces that were not used and the last part was because of the valley, not everyone worked eight to five, so there was a constant turn of vehicles in apartments. He was requesting a two year extension of time, but understood the Code only allowed for a one year extension and he was sure there would not be development on the project in the next year. Mr. Gronauer requested, if the application were approved, that Condition Nos. 29 and 30 be deleted, as it was not practical to build in phases.

Commissioner Jo Cato indicated the North 5th Street transit concept was sold to developers approximately three years ago and she did not feel because the City was dealing with a growth problem, the developer should be penalized by the City changing the criteria from what was previously approved. RTC slowed their project due to the economy and the developer wants to remain in the City and was in support of the applicant's request for an extension of time and the deletion of Condition Nos. 29 and 30.

Commissioner Jay Aston concurred with Commissioner Cato's comments. He asked the parking requirement per unit.

Marc Jordan, Planning Manager responded the requirement was dependent on how many bedrooms the unit had. For one bedroom, it was 1.5, for two bedroom it was 1.75 and for three bedrooms it was 2 and there was also guest parking factored in.

Commissioner Aston asked the average parking required for the site per Code.

Mr. Gronauer stated for the proposed project, the parking was 1.75 spaces per residential unit plus 54 spaces required and in the submitted studies, they were coming in at 1.70 spaces per unit aggregate resident and visitor parking.

Commissioner Aston was in support of the applicant's request with the deletion of Condition Nos. 29 and 30.

Vice-Chairman Steve Brown understood when the North 5h Street Corridor was developed, they wanted the developers to bring in the units to raise the density to warrant the RTC putting in bus rapid transit and if the City were to change now, the transit would never happen. He was in support of the application with the deletion of Condition Nos. 29 and 30.

Commissioner Dean Leavitt agreed with other Commissioners' comments and was in support of the application.

Mr. Eastman stated if the Commission was choosing to approve the application, besides deleting Condition Nos. 29 and 30, the Utilities Department requested that Condition No. 42 also be deleted.

Chairman Dilip Trivedi asked if the application were approved, if the developer would be coming back with another site plan, or if they would be building what was approved at this meeting.

Mr. Eastman explained because site plan reviews were good for only one year, the applicant most likely would come back before the Commission within a year, or a couple more times before the project was started and once they begin construction, it would be per the plans approved. If the site plan review was approved at this meeting and then was extended a couple more times, it would be per the plans on file.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 21, 22 AND 36; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

WORK SESSION

5. **PRESENTATION, DISCUSSION, AND/OR DIRECTION CONCERNING AMENDMENTS TO CHAPTER 3, GUIDING PRINCIPLES, AND APPENDIX B, EXISTING CONDITIONS, IN THE 2006 COMPREHENSIVE MASTER PLAN, WHICH INCLUDE NEW COMPONENTS OF A HOUSING ELEMENT.**

Vicki Adams, Planner gave a presentation explaining Staff had been working on ensuring the requirements of NRS 278.F were included in the 2006 Comprehensive Master Plan, so there have been some changes to the plan. She explained they made sure all of the requirements from NRS were included in the Comp Plan and were placed in Chapter 3 under Guiding Principal 1. Many of the items required by NRS were already included in the HUD consolidated plan but there was no cross reference from the HUD Consolidated Plan to the Comprehensive Plan, so the cross reference has been made and was contained in Appendix "B" which was also updated with the proposed draft. When the draft was distributed to various departments, the Utilities requested that a couple of their policies be amended and are included in Policy Guiding Principal 7.5 and also, Code Enforcement requested there be some language added to talk about their contribution to making sure the City was kept up and those changes were also included. Some things added to Chapter 3, under Guiding Principals, Goals and Policies, was a couple of policies for physical activity and conservation, as it was felt they were important in the way life was lived today in the communities. They also included, as part of NRS, some information on affordable housing opportunities, which also included some information on work force housing. NRS required a housing condition survey be done, so last year, the building inspectors did a survey of all single family residential properties and the results of the survey has been added to Appendix "B". The HUD Consolidated Plan was referenced for those elements of NRS.

Robert Eastman, Principal Planner added over the past few days, they had been meeting with Nellis Air Force Base to add as part of Chapter 3, additional verbiage to ensure compatible development with the Air Force Base and the National Guard Base, so it would strengthen some of what was already in the Military section to show the City wants to encourage development by the Base that was compatible with the Bases' goals and objectives. The wording has not yet been added to the document, but would be in the next version, when the Resolution of Intent was presented for consideration.

ACTION: PRESENTATION GIVEN

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Development Director Frank Fiori informed the Commission that Clarion and Associates should be providing the final draft of the updated Title 17 rewrite around Thanksgiving and it would be distributed to the Focus Group, then the Planning Commission and should be presented to City Council for approval around the first of the year.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 6:48 p.m.

APPROVED: December 8, 2010

/s/ Dilip Trivedi
Dilip Trivedi, Chairman

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