

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

February 9, 2011

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

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

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
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Janice Thomas, Fire Department
Jose Rodriguez, Police Department
Gina Luongo, Police Department
Spring Dineen, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dilip Trivedi

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Dean Leavitt

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF JANUARY 12, 2011.**

ACTION: APPROVED

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Commissioner Perkins

Item No. 13 was heard next.

NEW BUSINESS

- 1. UN-74-10 (42040) C-STORE WITH GAS PUMPS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GK3 ARCHITECTURE ON BEHALF OF BOUQUET INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012. (CONTINUED JANUARY 12, 2011)**

Item Nos. 1 and 2 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained Item No. 1 was for a convenience food store with gas pumps and Item No. 2 was for an automatic self-service carwash. In reviewing the site plan, it complied with the parking requirements, the building was in general compliance with the Commercial Design Guidelines and the applicant requested one waiver to the Commercial Design Guidelines. The application was requesting that the building not be orientated to the corner, as required by the Commercial Design Guidelines, but be set back and have the gas pumps to the front of the site. The Staff Report showed Staff was not in support of the application; however, after further discussions, Staff was supporting the waiver request. Staff was recommending approval of UN-74-10 with an amendment to Condition No. 2 to read: "The development of the site shall be in compliance with the Commercial Development Standards and Design Guidelines with the exception of the following: a. the Convenience Food Store building is not required to be located at the front setback lines nearest to the intersection of Commerce Street and Centennial Parkway and the gas pumps may be located between the building and Centennial Parkway, generally as shown on the submitted site plan." The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances including, but not limited to, all attached departmental memoranda.
2. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, unless otherwise stipulated herein. Therefore, the building is required to be located at the front setback lines nearest to the intersection of Commerce Street and Centennial Parkway and the gas pumps shall be located toward the interior of the site.
3. The special use permit is site-specific and non-transferable.

4. Notwithstanding the proposed signage, the gas canopy shall be constructed as identified on the submitted elevation drawings to include a mansard roof design and wainscoting around the base of the columns to match the design of the primary building. The canopy shall also use similar material and colors of the primary building.
5. The gas canopy shall have recessed lighting.
6. A two-sided decorative screen wall, measuring between six (6.0) and eight (8.0) feet on the northern side, shall be provided between this site and the undeveloped parcel to the north, unless the parcel to the north is rezoned to a non-residential zoning district prior to approval of the Civil Improvement Plans for the subject site. If necessary, the wall may be required to be "stepped" in accordance with the requirements in the Zoning Ordinance.
7. All canvas-type awnings shall be Sunbrella material, or similar. No back-lit awnings are allowed.
8. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
9. A landscape berm or decorative screen wall shall be provided between the adjacent rights-of-way (Centennial Parkway and Commerce Street) and the on-site driving surface. In any area not wide enough for a landscape berm, a decorative screen wall shall be provided. The berm and/or wall shall measure three feet above the adjacent on-site paved surface. Openings in the berm or wall shall only be permitted to allow for pedestrian accessways from the sidewalk to the primary customer entrance.
10. The applicant shall record a cross-access easement between this site and the undeveloped portion to the west. The easement shall be recorded prior to the issuance of any construction-related permits for the subject site.
11. Documentation must be provided to the City Traffic Engineer that demonstrates the maneuvering of a WB-50 vehicle into and on-site. Modifications to the site plan may be required.
12. Commercial driveways, including throat depths, are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

13. 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 the *City of North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
14. Right-of-way dedication and construction of a flared intersection, including a right turn lane and dual left turn lanes, is required at Centennial Parkway and Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
15. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 234.2 and 234.3.
16. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Centennial Parkway
 - b. Commerce Street
17. The developer is required to construct a raised median within Commerce Street. The median shall be constructed per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 218 and 219 "A" type island curb.
18. A minimum of five stacking/queuing spaces shall be provided for the drive thru and car wash and shall not intrude into any drive aisle.
19. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
20. Fiber optic conduit for traffic signal interconnect shall be installed along Centennial Parkway and Commerce Street.
21. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
22. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.

23. Approval of a drainage study is required prior to submittal of the civil improvement plans.
24. 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.
25. 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.
26. Due to the existence of an underground flood control facility along the Centennial Parkway frontage of the site, no deep-rooted landscaping may be located within five feet of the outside walls of the facility. Additionally, no permanent structure or signage may be installed or placed over the facility.
27. A barrier must be provided between the developed and undeveloped portion of the site to deter driving or parking on vacant land.
28. The property owner is required to grant a roadway easement for commercial driveway(s).
29. 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.
30. A revocable encroachment permit for landscaping within the public right of way is required.
31. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
32. 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.
33. The property owner is required to sign a restrictive covenant for utilities.

Chairman Dilip Trivedi disclosed that he had done some sketches for the applicant a few years ago, but, had no contact with the applicant since that time and felt his judgement would not be affected and he would be voting on the application.

Gemie Knisely, 211 Edgewood Avenue, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation and showed elevations of the canopy.

Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

Cherlynn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031 indicated she was opposed to UN-74-10 and UN-76-10 and submitted a list of residents in the area who also opposed the applications. She explained they were not opposed to development in the area, but were opposed to the fact that there was already a carwash at Goldfield Street and Centennial Parkway and a convenience store west of Commerce Street on Centennial Parkway. She did not feel putting similar businesses side by side or within walking distance of each other was good planning and also did not feel the development upheld the Visioning 2025 Strategic Plan and requested the Commission deny the applications.

Chairman Trivedi indicated he had received eight or nine e-mails in opposition to the applications.

Mr. Jordan indicated nine cards had been received in opposition to the applications and one card in support of the applications and pointed out some of the letters received were also from the same persons as the cards that were received.

Ms. Knisely reiterated that they had been sensitive with the design to focus the traffic toward the corner, keeping the entrance and the majority of the parking over 100 feet away from the adjacent residential. She felt it was an appropriate use and would be an amenity to the area with a food establishment and convenience store.

Chairman Trivedi asked Ms. Knisely if she had held a neighborhood meeting.

Mr. Knisely responded she had not.

Chairman Trivedi explained even though the use was permitted in a C-1 zoning, it was at the discretion of the Commission.

Ms. Knisely explained the same type of use was previously approved on the site with neighborhood meetings being held and there was no opposition to the use at that time.

Commissioner Jay Aston asked Staff if there was a similar application at the proposed location.

Mr. Jordan, responded he was not sure, as the Staff Report did not show there was research done regarding that.

Commissioner Aston asked Ms. Thomas if there were any existing convenience stores at the intersection of Commerce Street and Centennial Parkway.

Ms. Thomas responded there were no convenience stores at that intersection, but there was within less than one block.

Commissioner Aston asked Ms. Thomas why she was opposing the application.

Ms. Thomas explained in this economy there were many businesses that were not succeeding and she did not want to see another convenience store built within one block of others, which would provide too much concentration in the area.

Mr. Jordan stated he researched the location of the property and there had been previous approvals for a convenience, service facility and also a carwash in addition to a variance that reduced the setbacks, which were approved in 2007.

Commissioner Aston commented a convenience store at the proposed location had been approved previously and as pointed out by the Chairman, the Planning Commission had the authority to approve the application, but he did not feel the service was necessary to the neighborhood. He suggested the concerns of the neighbors be resolved and suggested the application be continued to allow the applicant time to hold a neighborhood meeting.

Commissioner Dean Leavitt agreed with comments made by Commissioner Aston.

Chairman Trivedi asked the applicant if he had plans to start construction in the near future or if he was just staking a claim on the property.

Gulzar Kular, 995 Temple View Drive, Las Vegas, NV 89110 responded he currently ran a convenience store and gas station in the neighborhood at Ann Road and Clayton Drive. He took pride in his business and kept it very clean. He explained they wanted to move forward on the proposed location, which would provide a minimum of 20 jobs. The project had been approved by ARCO and they were just waiting for approvals from the City.

Commissioner Jo Cato asked Staff if the use permit had expired on the application which was approved in 2007.

Mr. Jordan responded the use permit had expired.

Commissioner Aston explained to the applicant there may be people in the neighborhood who would like to see the business come to the area, so having a neighborhood meeting may be very beneficial.

Mr. Kular was agreeable to continuing the applications and holding a neighborhood meeting.

Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO MARCH 9, 2011

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

2. **UN-76-10 (42049) CARWASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GK3 ARCHITECTURE ON BEHALF OF BOUQUET INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT (SELF-SERVICE). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012. (CONTINUED JANUARY 12, 2011)**

Presentation and Comments were carried forward from Item No. 2 as follows:

Item Nos. 1 and 2 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained Item No. 1 was for a convenience food store with gas pumps and Item No. 2 was for an automatic self-service carwash. In reviewing the site plan, it complied with the parking requirements, the building was in general compliance with the Commercial Design Guidelines and the applicant requested one waiver to the Commercial Design Guidelines. The application was requesting that the building not be orientated to the corner, as required by the Commercial Design Guidelines, but be set back and have the gas pumps to the front of the site. The Staff Report showed Staff was not in support of the application; however, after further discussions, Staff was supporting the waiver request. Staff was recommending approval of UN-74-10 with an amendment to Condition No. 2 to read: "The development of the site shall be in compliance with the Commercial Development Standards and Design Guidelines with the exception of the following: a. the Convenience Food Store building is not required to be located at the front setback lines nearest to the intersection of Commerce Street and Centennial Parkway and the gas pumps may be located between the building and Centennial Parkway, generally as shown on the submitted site plan." The original recommended conditions for UN-76-10 are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances, including but not limited to all attached departmental memoranda.
2. The special use permit is site-specific and non-transferable.
3. A two-sided decorative screen wall, measuring between six (6.0) and eight (8.0) feet on the northern side, shall be provided between this site and the undeveloped parcel to the north, unless the parcel to the north is rezoned to a non-residential zoning district prior to approval of the Civil Improvement Plans for the subject site. If necessary, the wall may be required to be "stepped" in accordance with the requirements in the Zoning Ordinance.

4. All canvas-type awnings shall be Sunbrella material, or similar. No back-lit awnings are allowed.
5. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
6. Construction of the carwash shall not occur prior to construction of the convenience food store. Use of the carwash shall not be permitted prior to the issuance of a Certificate of Occupancy for the convenience food store.
7. The development of this site shall be in compliance with all conditions mentioned herein and those approved with UN-74-10. If UN-74-10 is not approved, this application shall be considered null and void.
8. Documentation must be provided to the City Traffic Engineer that demonstrates the maneuvering of a WB-50 vehicle into and on-site. Modifications to the site plan may be required.
9. Commercial driveways, including throat depths, are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in the *City of North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
11. Right-of-way dedication and construction of a flared intersection, including a right turn lane and dual left turn lanes, is required at Centennial Parkway and Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
12. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 234.2 and 234.3.
13. 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. Centennial Parkway
 - b. Commerce Street

14. The developer is required to construct a raised median within Commerce Street . The median shall be constructed per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 218 and 219 "A" type island curb.
15. A minimum of five stacking/queuing spaces shall be provided for the drive thru and car wash and shall not intrude into any drive aisle.
16. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
17. Fiber optic conduit for traffic signal interconnect shall be installed along Centennial Parkway and Commerce Street.
18. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
19. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
20. Approval of a drainage study is required prior to submittal of the civil improvement plans.
21. 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.
22. 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.
23. Due to the existence of an underground flood control facility along the Centennial Parkway frontage of the site, no deep-rooted landscaping may be located within five feet of the outside walls of the facility. Additionally, no permanent structure or signage may be installed or placed over the facility.
24. A barrier must be provided between the developed and undeveloped portion of the site to deter driving or parking on vacant land.
25. The property owner is required to grant a roadway easement for commercial driveway(s).

26. 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.
27. A revocable encroachment permit for landscaping within the public right of way is required.
28. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
29. 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.
30. The property owner is required to sign a restrictive covenant for utilities.

Chairman Dilip Trivedi disclosed that he had done some sketches for the applicant a few years ago, but, had no contact with the applicant since that time and felt his judgement would not be affected and he would be voting on the application.

Gemie Knisely, 211 Edgewood Avenue, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation and showed elevations of the canopy.

Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

Cherlynn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031 indicated she was opposed to UN-74-10 and UN-76-10 and submitted a list of residents in the area who also opposed the applications. She explained they were not opposed to development in the area, but were opposed to the fact that there was already a carwash at Goldfield Street and Centennial Parkway and a convenience store west of Commerce Street on Centennial Parkway. She did not feel putting similar businesses side by side or within walking distance of each other was good planning and also did not feel the development upheld the Visioning 2025 Strategic Plan and requested the Commission deny the applications.

Chairman Trivedi indicated he had received eight or nine e-mails in opposition to the applications.

Mr. Jordan indicated nine cards had been received in opposition to the applications and one card in support of the applications and pointed out some of the letters received were also from the same persons as the cards that were received.

Ms. Knisely reiterated that they had been sensitive with the design to focus the traffic toward the corner, keeping the entrance and the majority of the parking over 100 feet away from the adjacent residential. She felt it was an appropriate use and would be an amenity to the area with a food establishment and convenience store.

Chairman Trivedi asked Ms. Knisely if she had held a neighborhood meeting.

Mr. Knisely responded she had not.

Chairman Trivedi explained even though the use was permitted in a C-1 zoning, it was at the discretion of the Commission.

Ms. Knisely explained the same type of use was previously approved on the site with neighborhood meetings being held and there was no opposition to the use at that time.

Commissioner Jay Aston asked Staff if there was a similar application at the proposed location.

Mr. Jordan, responded he was not sure, as the Staff Report did not show there was research done regarding that.

Commissioner Aston asked Ms. Thomas if there were any existing convenience stores at the intersection of Commerce Street and Centennial Parkway.

Ms. Thomas responded there were no convenience stores at that intersection, but there was within less than one block.

Commissioner Aston asked Ms. Thomas why she was opposing the application.

Ms. Thomas explained in this economy there were many businesses that were not succeeding and she did not want to see another convenience store built within one block of others, which would provide too much concentration in the area.

Mr. Jordan stated he researched the location of the property and there had been previous approvals for a convenience, service facility and also a carwash in addition to a variance that reduced the setbacks, which were approved in 2007.

Commissioner Aston commented a convenience store at the proposed location had been approved previously and as pointed out by the Chairman, the Planning Commission had the authority to approve the application, but he did not feel the service was necessary to the neighborhood. He suggested the concerns of the neighbors be resolved and suggested the application be continued to allow the applicant time to hold a neighborhood meeting.

Commissioner Dean Leavitt agreed with comments made by Commissioner Aston.

Chairman Trivedi asked the applicant if he had plans to start construction in the near future or if he was just staking a claim on the property.

Gulzar Kular, 995 Temple View Drive, Las Vegas, NV 89110 responded he currently ran a convenience store and gas station in the neighborhood at Ann Road and Clayton Drive. He took pride in his business and kept it very clean. He explained they wanted to move forward on the proposed location, which would provide a minimum of 20 jobs. The project had been approved by ARCO and they were just waiting for approvals from the City.

Commissioner Jo Cato asked Staff if the use permit had expired on the application which was approved in 2007.

Mr. Jordan responded the use permit had expired.

Commissioner Aston explained to the applicant there may be people in the neighborhood who would like to see the business come to the area, so having a neighborhood meeting may be very beneficial.

Mr. Kular was agreeable to continuing the applications and holding a neighborhood meeting.

Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO MARCH 9, 2011

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

3. UN-01-11 (42160) NORTHGATE FOURSQUARE CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LM CONSTRUCTION CO. LLC, ON BEHALF OF INTERNATIONAL CHURCH OF FOURSQUARE GOSPEL, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF WASHBURN ROAD AND DONNA STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-302-001, 124-35-302-002 AND 124-35-302-003. (CONTINUED JANUARY 12, 2011)

The application was presented by Marc Jordan, Planning Manager who explained in the Staff Report, Staff had indicated there was no objection to the church, but they addressed a number of issues with the design of the site, which Staff wanted corrected. Staff requested that the applicant comply with the landscaping requirements of 20 feet next to the west and south property lines where residential development was located. It was felt the site could be adjusted by moving the building closer to the corner, which would allow them to shift everything to the north and to the east in order to meet the design criteria. It was also requested to move the trash enclosure away from the property line and there was also some driveway issues to correct. Since the writing of the Staff Report, the applicant had submitted a revised site plan, which addressed all of Staff's issues; therefore, Staff was recommending approval of UN-01-11 subject to the conditions listed in the Memorandum dated February 9, 2011 as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances, including but not limited to all attached departmental memoranda.
2. The building shall be located at the front setback lines (20.00 feet) nearest to the intersection of Washburn Road and Donna Street.
3. The trash enclosure shall be located to maintain a minimum 50-foot separation from the western and southern property lines. The trash enclosure shall be designed to match the principal structure, including a roof.
4. The principal structure shall substantially conform to the submitted elevations.
5. The development of this site shall comply with the Commercial Development Standards and Design Guidelines, unless otherwise approved herein. Compliance shall include, but is not limited to the following corrections:
 - a. A minimum 20.00 feet of landscaping shall be provided adjacent to the southern and western property lines.
 - b. A minimum 20.00 feet of landscaping shall be provided adjacent to Washburn Road and Donna Street. The landscape areas adjacent to

parking stalls and/or drive aisles shall include a berm or decorative wall measuring three feet (3.00') above the nearest on-site driving/parking surface. The purpose of this berm and/or wall is to prevent headlights from shining onto adjacent sidewalks and/or rights-of-way.

- c. All new sidewalks shall be separated from the backs-of-curb by a minimum five feet (5.00') of landscaping and shall be meandering. All appropriate easements and encroachment permits will need to be approved by the Department of Public Works.
 - d. A photometric lighting plan, stamped by a Nevada-licensed professional, shall be submitted in conjunction with the building permit for the principal structure. The foot-candle readings at the property lines shall not exceed 0.5fc.
6. All landscape materials, including the automatic irrigation system(s), required within the landscape buffer areas (adjacent to the southern and western property lines) and perimeter landscape areas (adjacent to Washburn Road and Donna Street) shall be installed prior to the issuance of a Certificate of Occupancy for Phase I of the project.
 7. Landscape diamonds (5.00' x 5.00') shall be provided in-lieu of a 6.00' landscape strip, which would have been required between every other row of head-to-head parking stalls. The landscape diamonds shall be provided for every 3rd set of head-to-head parking spaces and within every row. The landscape diamonds shall be planted with one tree and shrubs in accordance with the requirements set forth in Title 17.
 8. The principal structure shall not exceed 24,500 total square feet and shall be limited to no more than 500 seats in the main sanctuary. A minimum 125 parking spaces shall be provided.
 9. Any future expansion of the building shall match the existing building in design, materials and building colors.
 10. This special use permit is site-specific and non-transferable.
 11. Commercial driveways are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
 12. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in the *City of North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.

13. 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. Washburn Road
 - b. Donna Street
14. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
15. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. 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.
18. A revocable encroachment permit for landscaping within the public right of way is required.
19. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
20. 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.
21. The property owner is required to sign a restrictive covenant for utilities.

Chairman Dilip Trivedi disclosed approximately three years ago he had done some sketches while pursuing the project, but the church leadership felt they did not require an architect. He would be voting on the application.

Larry Monkarsch, LM Construction Company, 2123 Paradise Road, Las Vegas, NV 89104 appeared on behalf of the applicant explaining the church was currently located at Losee and Washburn Roads in an industrial park. The facility was purchased by the congregation and they had designed a building that was functional and met all of the

criteria recommended by Staff. They provided the landscape buffer along the residential area to the south and west and Donna borders it to the east and Washburn to the north. They relocated the driveway on Washburn, per Staff recommendation, as well as pushing the building further to the corner to provide additional landscaping. Staff also requested they add diamonds and islands in the parking lot area to beautify the property, which they had complied with and feel the use would be a beautiful addition to the neighborhood.

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

Chairman Trivedi closed the Public Hearing.

Chairman Trivedi asked the applicant if there had been any effort made to reduce the number of parking spaces and if the project was over-parked.

Mr. Monkarsh responded currently the site was over-parked; however, the church had plans to expand, explaining the building was designed for expansion, up to 8,000 to 9,000 square feet could be added and the parking was available for the expansion.

Chairman Trivedi asked Mr. Monkarsh if he had considered building in phases or uses porous pavers

Mr. Monkarsh responded they would look into it if the construction costs were beyond the budget and would look at value engineering the parking in phases, but would deal with that if it was necessary.

Chairman Trivedi suggested the church purchase a couple of vans to transport the parishioners in order to cut down on the number of parking spaces needed.

Commissioner Steve Brown asked if it was possible to amend the conditions to allow the applicant to construct the parking lot in phases.

Mr. Jordan responded if that was necessary, it could be handled administratively.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

4. **UN-02-11 (42163) SIMMONS PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BERTHA RICE ON BEHALF OF SIMMONS ASSOCIATES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A SECONDHAND DEALER. THE PROPERTY IS LOCATED AT 2815 W. LAKE MEAD BOULEVARD, SUITE 103. THE ASSESSOR'S PARCEL NUMBER IS 139-20-614-002. (CONTINUED JANUARY 12, 2011)**

The application was presented by Robert Eastman, Principal Planner who explained the proposed use was in a community commercial retail center, which was completed in 2009 and was in compliance with all of the Commercial Design Standards and parking requirements for a shopping center. The applicant intended to sell donated goods as a non-profit organization and it was not perceived as a negative impact on the surrounding neighborhood; therefore, Staff was recommending approval of UN-02-11 with the following condition:

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

Michael Bradshaw, 2815 West Lake Mead Boulevard, Suite 102, North Las Vegas, NV 89030 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

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

5. **UN-03-11 (42172) AMERICAN NIGHTMARE TATTOO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MICKEY WRIGHT ON BEHALF OF WEST CRAIG PLAZA LLC, PROPERTY OWNER FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A TATTOO PARLOR. THE PROPERTY IS LOCATED AT 4444 WEST CRAIG ROAD, SUITE #116. THE ASSESSOR'S PARCEL NUMBER IS 139-06-201-010. (CONTINUED JANUARY 12, 2011)**

The application was presented by Robert Eastman, Principal Planner who explained the site was originally built in 1997 and was in compliance with the Design Standards and Zoning Code at that time. The applicant was proposing to occupy one suite in the existing center. Staff does not see a negative impact and were recommending approval of UN-03-11 with the following condition:

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

Mr. Eastman stated three Public Hearing Notice cards were returned on this item, two in opposition and one in support of the application.

Mickey Wright, 10172 Stonor Court, Las Vegas, NV 89148 appeared on the application indicating he concurred with Staff recommendation.

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

Chairman Trivedi closed the Public Hearing.

Commissioner Jo Cato was in support of the application.

Commissioner Steve Brown was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

6. **UN-05-11 (42313) IN TOUCH CREDIT UNION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY IN TOUCH CREDIT UNION ON BEHALF OF CRAIG LOSEE CORNER LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (CREDIT UNION). THE PROPERTY IS LOCATED AT 2620 E. CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-210-007.**

The application was presented by Marc Jordan, Planning Manager who explained the proposed location was originally approved as a use permit in 2006 for a bank, which has been constructed, but for some reason, the bank did not go in at that location and the use permit had expired. The applicant was not proposing any changes to the exterior of the building or the site. Staff was recommending approval of UN-05-11 with 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. Any building alterations shall be designed to match the design theme of the existing shopping center and the buildings within the shopping center.

Robert Messiano, 10150 Covington Cross Drive, Las Vegas, NV 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.

Commissioner Dean Leavitt was happy to see the financial industry was thriving and the proposed use would give the City of North Las Vegas two locations for In Touch Credit Union.

Commissioner Jo Cato agreed with Commissioner Leavitt's comments and was in support of the application.

Commissioner Jay Aston asked if the location on Craig Road would remain open.

Mr. Messiano responded it would remain open.

Commissioner Leavitt asked when the credit union was expected to open.

Mr. Messiano responded there were minor interior renovations being done, which should not take long.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

7. **ZOA-04-11 (42346) RECREATIONAL IN MUD (PUBLIC HEARING). AN APPLICATION INITIATED BY CHRISTOPHER JOSEPH ENGLAND TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.28.065, PROCEDURES FOR MIXED USE DEVELOPMENT DISTRICT (MUD) APPROVAL TO ALLOW RECREATIONAL USES AS A SPECIAL USE ON DEVELOPED BUT VACANT COMMERCIAL PROPERTIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting that recreational uses be considered as a special use, when they were in an approved MUD, Mixed Use District, that was approved and developed under a previous commercial zoning district, but had not been redeveloped yet into the approved MUD District. In reviewing the applicant's language, Staff had no concerns and agreed in concept with what the applicant was proposing; however, Staff was proposing that Section 17.24.160 be amended, which was a miscellaneous section. Mr. Jordan, explained 17.28.065 was the procedure for approving an MUD, but did not talk about the type of uses or set the requirements for the uses. The section was also chosen because on the Title 17 re-write, the amendment would be rolled over into that section, which was more appropriate. Staff reviewed the applicant's proposed language, but proposed some amendments also, which would help ensure the health, safety, and welfare of the residents and people in the surrounding area. Mr. Jordan pointed out, this was an amendment to the Zoning Ordinance only and not to any use. If the application is approved by City Council, the applicant would be required to apply for a use permit, then there would be some criteria set that Staff would review, and some criteria that the commission would also have to review the use for their decision making. Staff was recommending approval of ZOA-04-11 and that it be forwarded to City Council for final consideration.

Christopher England, 343 Caneflower Court, North Las Vegas, NV 89031 appeared on the application indicating he concurred with Staff recommendation.

Commissioner Dean Leavitt asked the applicant if they would be submitting an application, if this application was approved.

Mr. England responded he would be submitting an application for a use if this application was approved by City Council.

Commissioner Leavitt inquired what type of use he would be applying for.

Mr. England responded it would be an outdoor paint ball field.

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

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED, 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

8. **SPR-18-09 (42198) THE GROVE. AN APPLICATION SUBMITTED BY KAMROS HOLDINGS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO AMEND CONDITIONS REGARDING THE ELECTRONIC MESSAGE BOARD. THE PROPERTY IS LOCATED AT 445 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-311-016.**

The application was presented by Marc Jordan, Planning Manager who explained when the Commission first considered the LED sign, it was for a sign that would be 157 square feet and the applicant had constructed the sign; however, it was approximately 100 square feet and when the Commission considered the application, there were no provisions in Title 17 for LED signs, so there were a number of conditions that were recommended along with the Site Plan Review. The applicant was requesting that Condition Nos. 3, 4 and 5 be amended. He explained Condition No. 3 dealt with the timing issues of the sign. Originally, it was for 15 seconds and the applicant was requesting 8 seconds, which meant the static display would have to be on the sign for a minimum of eight seconds before it could transition to another advertisement. In reviewing the application, Staff found that many jurisdictions throughout the County who had adopted LED requirements, actually had requirements that would allow a static display for eight seconds. Also in looking at the property and the length of it, which was a little over 1,000 feet, and the speed on Craig road, it was believed that under normal circumstances, as a car drives by, there would really be only one transition for the average driver. Condition No. 4 dealt with the types of transitions. Originally, Staff did not support any transitions; however, after doing some research, it was found many places allow transitions, typically one, nor more than two seconds, that the sign can scroll or fade in, not animation or moving text, or pictures. Staff was supportive of a transition time on the sign. Condition No. 5 was not an amendment but a clarification to the condition, explaining one advertisement could not lead the viewer to wait for a continuation of an advertisement. The applicant was also requesting a condition be added, which would allow them the option of complying to any new requirements adopted by the City without having to amend their site plan review. An amendment was proposed to Condition No. 12, which would allow the applicant to be able to consider that, but it would be in a non-piecemeal fashion. They must either accept all of the new requirements or stick with what was originally approved. They would not be able to pick and choose. Staff was recommending approval of SPR-18-09 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That off-premise advertising shall be prohibited and advertising messages and displays shall be limited to advertisements for tenants within the commercial center.

3. That the electronic message unit shall not change more than once every eight (8) seconds, except changes to correct hour-and-minute or temperature information (if used), may change no more often than once every three (3) seconds.
4. That the images and messages displayed must be static with the exception of transitions. The transition from one display to another shall be made within two (2) seconds, and may include dissolve, fade, framing, scrolling, or other transition effects that do not have the appearance of animated text or images. Flashing or varying of light intensity shall be prohibited.
5. That the images and messages displayed must be complete in themselves, without continuation in content to the next image or message. However, this does not preclude a business from displaying consecutive advertisements provided each advertisement is complete without leading viewers to wait for a continuation or ending of the advertisement within the next display.
6. That every line of copy and graphics on the electronic message unit must be at least 12 inches in height.
7. That the electronic message unit shall be designed and equipped to freeze the device in one position if a malfunction occurs. In addition, the display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that the display is not complying with the conditions of approval.
8. That the use of audio speakers shall be prohibited.
9. That the electronic message unit shall not increase lighting levels by more than 0.3 foot candles over ambient levels as measured using a foot candle meter 150 feet from the sign.
10. That ambient light monitors are required that enable sign brightness to adjust to outside conditions.
11. Structural calculations will be required for the sign, post, and foundation. The address will also have to be posted on the sign per the CNLV sign requirements.
12. Should the City amend or adopt new codes or ordinances that modify or replace those items outlined in conditions three (3) through ten (10), the applicant shall have the option to comply with the new code or ordinance in its entirety. The Applicant shall give the City written notice of its intent to comply with the new code or ordinance.

Stephanie Allen of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Chairman Trivedi

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

NAYS: None

ABSTAIN: None

9. **UN-04-11 (42241) PREMIER AUTO AUCTION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PREMIER AUTO AUCTION ON BEHALF OF IVAN B. & HELEN C. CANNON FAMILY TRUST, PROPERTY OWNER FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF AN ELECTRIC FENCE. THE PROPERTY IS LOCATED AT 3000 LOSEE ROAD AND 3038 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-14-102-005 AND 139-14-102-006.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for an electric fence that would be located on the inside of the existing block walls, wrought iron fence, or chainlink fence and would be approximately 10 feet in height and off-set by the existing fences by one foot. The applicant has the support of the Police Department through their assessment of the site. Staff noticed there was existing barbed wire and razor wire on the site, which was not part of the request and as part of the request, Staff was requesting they be removed. Staff was recommending approval of UN-04-11 and that it be forwarded to City Council for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The electric security fencing shall be installed a minimum of one foot inside existing block walls, wrought iron fencing and chain link fencing
3. The total height of the electric security fence shall not exceed ten (10) feet as depicted on the plans.
4. All barbed wire and razor wire shall be prohibited.
5. Electric fencing shall be deactivated during business hours.
6. Bi-lingual warning signs for an electrical fence shall be posted every 50 feet on all exterior fencing and gates. Signage shall be posted at a conspicuous level, at the height of the existing block walls, wrought iron fencing and chain link fencing.

Landon Christopherson, 1000 North Green Valley Parkway, Henderson, NV 89074 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: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

10. **UN-10-11 (42347) COPART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COPART LAS VEGAS ON BEHALF OF COPART ARIZONA INC., PROPERTY OWNER FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF AN ELECTRIC FENCE. THE PROPERTY IS LOCATED AT 4810 N. LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 123-32-401-010.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for an electric fence. The applicant proposed to off-set the fence inside the existing block wall, wrought iron fence, or metal wall by one foot and it would be approximately 10 feet in height. The area would be accessible by the public during the day time; therefore, Staff was proposing a condition that would require the electric fence to be deactivated during business hours. Staff was recommending approval of UN-10-11 and that it be forwarded to City Council for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The electric security fencing shall be installed a minimum of one foot inside existing block walls, wrought iron fencing and chain link fencing
3. The total height of the electric security fence shall not exceed ten (10) feet as depicted on the plans.
4. Electric fencing shall be deactivated during business hours.
5. Bi-lingual warning signs for an electrical fence shall be posted every 50 feet on all exterior fencing and gates. Signage shall be posted at a conspicuous level, at the height of the existing walls and wrought iron fencing.

Landon Christopherson, 1000 North Green Valley Parkway, Henderson, NV 89074 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 Perkins

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

NAYS: None

ABSTAIN: None

11. **UN-11-11 (42348) COPART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COPART LAS VEGAS ON BEHALF OF COPART ARIZONA INC., PROPERTY OWNER FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF AN ELECTRIC FENCE. THE PROPERTY IS LOCATED AT 3441 CLAYTON STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-08-701-018.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for an electric fence that would be off-set inside the fence by one foot and would be approximately 10 feet in height. The Police Department had not indicated there had been any crime or police calls to the facility; however, there have been calls to facilities surrounding the site and also based on the applicant's experience with other locations and the need for electric fencing, Staff had no objection to the electric fence at the proposed location. Staff was recommending approval of UN-11-11 and that it be forwarded to City Council for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The electric security fencing shall be installed a minimum of one foot inside existing block walls and/or metal walls.
3. The total height of the electric security fence shall not exceed ten (10) feet as depicted on the plans.
4. Bi-lingual warning signs for an electrical fence shall be posted every 50 feet on all exterior fencing and gates. Signage shall be posted at a conspicuous level, at the height of the existing block and/or metal walls.

Landon Christopherson, 1000 North Green Valley Parkway, Henderson, NV 89074 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: Chairman Trivedi

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

NAYS: None

ABSTAIN: None

12. **SPR-01-11 (42328) BRUCE & WASHBURN/RHAPSODY NORTH. AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES, INC., PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-1, SINGLE FAMILY LOW DENSITY DISTRICT TO ALLOW A WAIVER OF THE CORNER SIDE LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF HAROLD STREET AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-701-002 THROUGH 124-35-701-006.**

The application was presented by Robert Eastman, Principal Planner who explained the request was for a previously approved tentative map for Rhapsody North, which was T-1339 approved September 8, 2010. The applicant was requesting that the corner side lot landscaping be reduced to 8 ½ feet on Lot No. 23. Since the request was for only one lot and does not affect the entire sub-division, Staff did not think there was a major impact and was recommending approval of SPR-01-11 subject to the following condition:

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

Robert Cunningham, Taney Engineering, 6030 South Jones Boulevard, Suite 100, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

Item No. 14 was heard next.

13. **SPR-02-11 (42180) APEX DAVIS. AN APPLICATION SUBMITTED BY APEX PROPERTIES LLC & CARMINE LIMITED PARTNERSHIP ON BEHALF OF CARMINE LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN INDUSTRIAL-APEX (I-A) OVERLAY DISTRICT TO ALLOW A JUNKYARD/SALVAGE YARD FACILITY AND WAIVERS FROM THE INDUSTRIAL-APEX (I-A) OVERLAY DISTRICT DESIGN STANDARDS. THE PROPERTY IS LOCATED APPROXIMATELY 10,300 FEET WEST OF US-93 AND SOUTH OF THE POWER PLANT . THE ASSESSOR'S PARCEL NUMBERS ARE 103-08-510-004 THROUGH 103-08-510-007, 103-08-510-009 AND 103-08-510-011 THROUGH 103-08-510-013.**

Lane Holmes, 205 Starlite Drive, Las Vegas, NV 89107, appeared on the application requesting that SPR-02-11 be continued to March 9, 2011.

ACTION: CONTINUED TO MARCH 9, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

14. **ZOA-03-11 (42319) SCHOOLS IN COMMERCIAL ZONING (PUBLIC HEARING). AN APPLICATION INITIATED BY KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO ATTORNEYS AT LAW TO AMEND TITLE 17 (ZONING ORDINANCE) SECTIONS 17.20.100(C-1), NEIGHBORHOOD COMMERCIAL AND 17.20.110 (C-2), GENERAL COMMERCIAL DISTRICTS TO ALLOW SCHOOLS AS A SPECIAL USE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

The application was presented by Robert Eastman, Principal Planner who explained the application was to amend Title 17 to allow schools as a special use within the C-1, Neighborhood Commercial District and the C-2, General Commercial District. The applicant indicated it would be a similar use as churches and child care facilities, which were already allowed within Commercial Districts and the application was relatively minor and should be approved. When reviewing the proposed application, Staff did a review of the surrounding jurisdictions in the valley. Clark County, Henderson, and the City of Las Vegas currently allow schools within their commercial districts as a special use. Staff was not in support of the proposed zoning ordinance amendment as it was felt putting and introducing school age children who were mobile and could and do walk to school through the commercial strip centers, would cause conflicts with the cars using the parking lots. Additionally, when reviewing the amount of commercial space within the City, there were very few acres designated to commercial or industrial uses, which would not allow schools. The majority of the City was either zoned open land or residential, which do allow schools and Staff felt the acreage dedicated for residential was perfectly sufficient for schools, therefore, were recommending that ZOA-03-11 be denied.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant explaining he was not asking for the right to approve schools as a matter of a permitted use, but to have the ability to be able to go on to a commercial property in the City of North Las Vegas, and if the commercial property met the location, the size and addressed the issues of compatibility, that it be approved. Mr. Gronauer explained other jurisdictions allowed schools in commercial districts as a special use. He pointed out churches were currently allowed in commercial districts with a special use permit and explained they wanted the opportunity to come before the Commission to present their case. He asked the Commission to support the text amendment for the addition into the special use requirement for C-1 and C-2 Districts to allow schools. The Police concerns and economic Department concerns could be addressed on a case by case basis; because, without a case coming before the Commission, they did not know what the elements of the application were.

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

Chairman Trivedi closed the Public Hearing.

Commissioner Joseph DePhillips asked for comments from Jose Rodriguez of the Police Department regarding his Memorandum.

Jose Rodriguez of the Police Department explained his office was located at the corner of West Craig Road and Ferrell Street and at that location there was a dedicated crosswalk. Approximately two blocks south was Cheyenne High School then a little further south was a middle school. He explained the vehicular traffic and pedestrian conflicts are frequent enough that the motors officers have to set up special details to ensure that traffic stops to allow the students to cross the street. He stated they also got complaints at the plaza to the east of the substation about students milling around before and after school, or even during times that students should be in school. He felt putting schools in commercial areas was opening the door for more conflicts.

Commissioner DePhillips asked Mr. Rodriguez if it was a private school with their own security, he did not feel they would be able to handle the problems.

Mr. Rodriguez responded, currently there were campus police at the middle schools and high schools and their hands were full with the day to day issues going on with after school fights and other types of things they deal with.

Commissioner Jay Aston understood there were foot traffic concerns with the educational system and stated charter schools were usually more specific groups of people or not as large as regular school. He thought a charter school in a commercial area would be more of a drop off/pick up because parents who could afford to pay for a charter school usually were making sure their children got to and from school without having to walk. He was concerned that the applicant had pointed out the County, City of Las Vegas and City of Henderson had opened their doors to these types of businesses and was stuck on that because of the need North Las Vegas had to bring small businesses into the City. Staff pointed out there were other locations, but they required complete development, the construction of a building versus coming into an existing building. He thought the safety issues and concerns could be addressed in a special use application and the City needed to think outside the box on how to bring businesses into the City and not necessarily be the last entity to open their doors to that type of business but in some cases to try to be the first. Commissioner Aston understood the Police Department's concerns but felt the concerns could be handled through the application process and asked the applicant if he was looking for approval tonight or maybe some feedback from the Commission or for Staff to sit down and work on it a little more.

Mr. Gronauer responded he wanted to move forward because they had a couple of sites already located in North Las Vegas and his client was trying to open a school in August. If this application was approved by City Council, they would be submitting a special use permit application.

Commissioner Aston clarified Mr. Gronauer had some special use applications ready to go if the application was approved by City Council.

Mr. Gronauer responded his client had a couple of sites targeted. There was one site off of Centennial and Commerce, but he did not think he would be filing that one, but had two other sites they were in negotiation with.

Chairman Dilip Trivedi recognized Councilwoman Anita Wood.

Vice-Chairman Steve Brown was in support of the application and agreed with comments made by Commissioner Aston that there were many situations where a small school could fit into a vacant commercial center.

Commissioner Jo Cato was in support of the application and felt business should be encouraged to come to North Las Vegas and was disappointed that the City was the last one to allow schools in commercial centers. She hoped there could be more establishments of this nature coming to North Las Vegas because there was the capability of putting in safety mechanisms through conditions when it was time to review the applications on a case by case basis. She also commended Mr. Rodriguez and the Police Department for their work.

Commissioner Dean Leavitt was in support of the application and had great respect for Mr. Rodriguez and his ability but commented using Cheyenne High School for a comparison was probably the worst case scenario because there was a high school, a middle school, an elementary school and a City recreation facility all in the same vicinity.

Commissioner Laura Perkins did not understand how putting a school in a commercial facility would be cost effective because the building would have to be changed to accommodate it. She did not see a problem if the schools were for adults, but did not feel it was appropriate for children under the age of 18 and suggested rezoning the entire property to residential so it would not need a special use permit.

Mr. Gronauer responded that was an option, but the problem was timing. The process could take up to six months and there would be spot zoning issues. He explained there were commercial properties on corners where half of the property had been developed and the other portion had not and someone may choose to take the undeveloped portion and

develop it. He pointed out there were shell buildings, half completed shopping centers, and vacant land, so there were multiple avenues for development. This amendment would give the ability to be able to be flexible.

Chairman Dilip Trivedi concurred with comments made by other Commissioners and felt the current Zoning Ordinance was antiquated and the vacant buildings could be re-purposed with safety issue being addressed when an application was reviewed.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Brown

SECOND: Commissioner DePhillips

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

NAYS: Commissioner Perkins

ABSTAIN: None

15. **UN-06-11 (42317) FARMER BOYS RESTAURANT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HHI CLARK LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED APPROXIMATELY 350 FEET EAST OF NORTH 5TH STREET ON THE SOUTH SIDE OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-26-101-002.**

Item Nos. 15 and 16 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained UN-06-11 was for a Farmer Boys Restaurant. After the initial Staff Report was written, the applicant submitted revised site plans, which met and complied with a number of concerns from the Public Works Department; however, they were still requesting a number of waivers. The first was a waiver request to reduce the decorative wall or berm between the parking lot and Centennial Parkway. The applicant, in his letter of intent, indicated that the adjacent Walgreen's does not have that design element; therefore, they would be continuing that same design theme in not providing a berm or wall. Staff was not supporting the proposed waiver request because it was their opinion that the berm for Walgreen's was not in place because of the dedicated bus turn-out, which protrudes into the landscaping, therefore, reducing the landscape space and making it more difficult for that applicant to provide the landscape berm. The applicant was also requesting a number of waivers that were originally part of driveway width or throat depth, which were addressed by Public Works and was superceded with a new site plan. There was also a waiver request to allow a change in the orientation to pull the building away from the street to allow one row of parking along Centennial Parkway. Staff was in support of that request and, as indicated previously, that was a design theme that was being proposed with the new Title 17, which would bring this building more into compliance with the new Design Standards. Staff was recommending approval of UN-06-11 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. *The applicant shall comply with the Commercial Development Standards and Design Guidelines, with the following exceptions:*
 - a. *The building is not required to be oriented toward the street frontage (Section 17.24.200.C.4.d.)*

9. *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.*
10. *A revocable encroachment permit for landscaping within the public right of way may be required.*
11. *All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.*
12. *The developer shall provide a copy of the cross access easement with adjacent parcel(s) prior to approval of the civil improvement plans.*

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he had been working with the Public Works Department Staff regarding the waivers and had made some changes to the design of the site to address their traffic concerns. The remaining issue was the landscape berm along the frontage of the property on Centennial Parkway. He explained the reason for the waiver request was to create some uniformity with respect to the property to the west, where there was no landscape berm and there also was no landscape berm on the mini storage facility further down the street. The current landscape theme along Centennial Parkway was no landscape berm. Further to the west and north between Goldfield Street and North 5th Street, there was a small strip center with no landscape berm and also further to the east there were other shopping centers with similar design features where some areas did have some landscape berm areas and on other there was none. Mr. Gronauer felt hedges or some other type of landscaping could be installed. He clarified with Public Works that the Conditions of approval mentioned conformance to Uniform Drawings 222A and it was his understanding that the plans submitted, although the driveway width was already built, and not built at 32 feet from gutter lip to gutter lip, would be okay as submitted.

Eric Hawkins of Public Works clarified it was okay.

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

Chairman Trivedi closed the Public Hearing.

Vice-Chairman Steve Brown asked how high the berm was required to be.

Mr. Gronauer responded it was required to be three feet.

Vice-Chairman Brown asked if the Commission had the flexibility to modify that requirement.

Mr. Eastman responded it was in the Design Standards, so it was in the Commission's purview to amend it.

Vice-Chairman Brown inquired why Walgreen's was not required to install a landscape berm.

Mr. Eastman responded the conditions listed for the Walgreen's showed they were to comply with all ordinance requirements at the time, which would have required the berm or the wall.

Vice-Chairman Brown recommended that there be something put in, but did not feel a full berm was necessary, maybe a hedge row.

Commissioner Dean Leavitt was in support of intensifying the landscaping, as it would bring uniformity to the area and would also serve as a berm.

Chairman Trivedi asked the reason behind having a berm, if it was to shield the headlights and questioned since the waiver request was a common occurrence, if a text amendment should be considered.

Marc Jordan, Planning Manager responded he did not recall a lot of this type of request coming in. There had been some due to drainage issues. Waiver requests were mostly for building orientation. He explained the landscape berm or wall was two-fold, one to help screen the parking lot from view from the adjacent right-of-way and the second was to help screen the headlights of the vehicles from shining into driver's eyes as they passed by.

Chairman Trivedi asked why the adjacent Walgreen's store was not made to comply.

Mr. Jordan responded he did not know why the adjacent property did not comply. It was found there was not any exception to the property that would warrant Staff's support for a waiver and could not explain why the Walgreen's project had not complied, it could have been an oversight. When looking at the Walgreen's site plan, approved in 2005, the application only allowed a waiver for building orientation, which was why the building was not at the corner.

Mr. Eastman proposed Condition No. 2.d be added to read: "A landscaped hedge with a minimum height of three (3) feet shall be provided along Centennial Parkway to comply with the intent of the Design Standards," and then Condition No. 3.a would be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 3.A DELETED AND CONDITION NO. 2.D ADDED TO
READ:

2.D. A LANDSCAPED HEDGE WITH A MINIMUM HEIGHT OF THREE (3)
FEET SHALL BE PROVIDED ALONG CENTENNIAL PARKWAY TO
COMPLY WITH THE INTENT OF THE DESIGN STANDARDS.

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

16. UN-07-11 (42318) RETAIL AT CENTENNIAL PARKWAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HHI CLARK LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED APPROXIMATELY 350 FEET EAST OF NORTH 5TH STREET ON THE SOUTH SIDE OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-26-101-002.

The application was presented by Robert Eastman, Planning Manager who stated UN-07-11 had the same issues and design theme as discussed in Item No. 16, UN-06-11. Should the Commission chose to approve UN-07-11, Staff recommended Condition No. 2.d be added to read: "A landscaped hedge with a minimum height of three (3) feet shall be provided along Centennial Parkway to comply with the intent of the Design Standards," and delete Condition No. 3.a. The recommended conditions in Memorandum dated February 9, 2011 are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall comply with the Commercial Development Standards and Design Guidelines, with the following exceptions:
 - a. The building is not required to be oriented toward the street frontage (Section 17.24.200.C.4.d.)
 - b. A 20-foot landscape buffer along the southern property line (Section 17.24.200.J.7) is not required.
 - c. A screen wall along the southern property line (Section 17.24.200.G.1.a) is not required.
3. The development of this site shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. Section 17.24.200.E.2, which requires a three-foot berm or decorative wall between Centennial Parkway and the abutting on-site parking stalls. The height of the berm and/or wall shall be measured from the grade of the adjacent parking stall.
 - b. Increase the width of the landscape island on the west side of the trash enclosure to a minimum 6'-0".
 - c. Add a landscape island between the trash enclosure and th adjacent row of parking. This will likely eliminate at least one parking space.
 - d. Unless currently constructed, the sidewalk along Centennial Parkway shall maintain a minimum five-foot (5'-0") separation from the back-of-curb and shall meander.

- e. Add a landscape island at the west end of the row of parking that faces the front of the building.
4. All landscaped areas shall provide a minimum ground coverage of 60 percent (not including trees) within two years of the time a certificate of occupancy is issued.
5. The pedestrian/handicap access between the building and Centennial Parkway shall utilize decorative pavers or stamped and decorative concrete to help distinguish this area from the drive aisle and parking areas.
6. The maximum public floor space for the convenience food restaurant shall not exceed 700 square feet unless all other on-site parking requirements are satisfied. Demonstration of compliance shall be provided by the applicant prior to the issuance of a building permit.
7. The 7,176 square feet of floor space identified as "Future Retail" is limited to those uses that require no more than one parking space per 250 square feet of floor area.
8. Commercial driveways are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A, including throat depth, and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. 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.
10. If not already existing, the property owner is required to grant a roadway easement for commercial driveway(s).
11. 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.
12. A revocable encroachment permit for landscaping within the public right of way may be required.
13. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
14. The developer shall provide a copy of the cross access easement with adjacent parcel(s) prior to approval of the civil improvement plans.

15. The developer shall construct a raised median within Centennial Parkway allowing west bound traffic left turn access into the development per Clark County Area Uniform Standard Drawing number 221.1. The median shall be constructed per Clark County Area Uniform Standard Drawing numbers 218 PCC and 219 "A" type island curb.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 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.

The following was brought forward from Item No. 15, UN-06-11.

Item Nos. 15 and 16 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained UN-06-11 was for a Farmer Boys Restaurant. After the initial Staff Report was written, the applicant submitted revised site plans, which met and complied with a number of concerns from the Public Works Department; however, they were still requesting a number of waivers. The first was a waiver request to reduce the decorative wall or berm between the parking lot and Centennial Parkway. The applicant, in his letter of intent, indicated that the adjacent Walgreen's does not have that design element; therefore, they would be continuing that same design theme in not providing a berm or wall. Staff was not supporting the proposed waiver request because it was their opinion that the berm for Walgreen's was not in place because of the dedicated bus turn-out, which protrudes into the landscaping, therefore, reducing the landscape space and making it more difficult for that applicant to provide the landscape berm. The applicant was also requesting a number of waivers that were originally part of driveway width or throat depth, which were addressed by Public Works and was superceded with a new site plan. There was also a waiver request to allow a change in the orientation to pull the building away from the street to allow one row of parking along Centennial Parkway. Staff was in support of that request and, as indicated previously, that was a design theme that was being proposed with the new Title 17, which would bring this building more into compliance with the new Design Standards. Staff was recommending approval of UN-06-11.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he had been working with the Public Works Department Staff regarding the waivers and had made some changes to the design of the site to address their traffic concerns. The remaining issue was the landscape berm along the frontage of the property on Centennial Parkway. He explained the reason for the waiver request was to create some uniformity with respect to the property to the west, where there was no landscape berm and there

also was no landscape berm on the mini storage facility further down the street. The current landscape theme along Centennial Parkway was no landscape berm. Further to the west and north between Goldfield Street and North 5th Street, there was a small strip center with no landscape berm and also further to the east there were other shopping centers with similar design features where some areas did have some landscape berm areas and on other there was none. Mr. Gronauer felt hedges or some other type of landscaping could be installed. He clarified with Public Works that the Conditions of approval mentioned conformance to Uniform Drawings 222A and it was his understanding that the plans submitted, although the driveway width was already built , and not built at 32 feet from gutter lip to gutter lip, would be okay as submitted.

Eric Hawkins of Public Works clarified it was okay.

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

Chairman Trivedi closed the Public Hearing.

Vice-Chairman Steve Brown asked how high the berm was required to be.

Mr. Gronauer responded it was required to be three feet.

Vice-Chairman Brown asked if the Commission had the flexibility to modify that requirement.

Mr. Eastman responded it was in the Design Standards, so it was in the Commission's purview to amend it.

Vice-Chairman Brown inquired why Walgreen's was not required to install a landscape berm.

Mr. Eastman responded the conditions listed for the Walgreen's showed they were to comply with all ordinance requirements at the time, which would have required the berm or the wall.

Vice-Chairman Brown recommended that there be something put in, but did not feel a full berm was necessary, maybe a hedge row.

Commissioner Dean Leavitt was in support of intensifying the landscaping, as it would bring uniformity to the area and would also serve as a berm.

Chairman Trivedi asked the reason behind having a berm, if it was to shield the headlights and questioned since the waiver request was a common occurrence, if a text amendment should be considered.

Marc Jordan, Planning Manager responded he did not recall a lot of this type of request coming in. There had been some due to drainage issues. Waiver requests were mostly for building orientation. He explained the landscape berm or wall was two-fold, one to help screen the parking lot from view from the adjacent right-of-way and the second was to help screen the headlights of the vehicles from shining into driver's eyes as they passed by.

Chairman Trivedi asked why the adjacent Walgreen's store was not made to comply.

Mr. Jordan responded he did not know why the adjacent property did not comply. It was found there was not any exception to the property that would warrant Staff's support for a waiver and could not explain why the Walgreen's project had not complied, it could have been an oversight. When looking at the Walgreen's site plan, approved in 2005, the application only allowed a waiver for building orientation, which was why the building was not at the corner.

Mr. Eastman proposed Condition No. 2.d be added to read: "A landscaped hedge with a minimum height of three (3) feet shall be provided along Centennial Parkway to comply with the intent of the Design Standards," and then Condition No. 3.a would be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 3.A DELETED AND CONDITION NO. 2.D ADDED TO
READ:

2.D. A LANDSCAPED HEDGE WITH A MINIMUM HEIGHT OF THREE (3)
FEET SHALL BE PROVIDED ALONG CENTENNIAL PARKWAY TO
COMPLY WITH THE INTENT OF THE DESIGN STANDARDS.

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 18 was heard next.

17. **UN-08-11 (42340) ARCO @ TROPICAL & DECATUR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY M GRAPE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT (SELF-SERVICE). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DECATUR BOULEVARD & TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-204-005.**

Items No. 17 and 18 were presented together, with Item No. 18 being heard first.

Staff recommended approval of UN-08-11 with 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, including but not limited to all attached departmental memoranda.
2. The special use permit is site-specific and non-transferable.
3. All buildings and portions thereof shall be uniformly designed, including but not limited to:
 - a. a wainscot that matches the c-store shall be provided on all sides of the car wash;
 - b. all columns (for the shade structure adjacent to the north side of the car wash) shall be designed to match the c-store, including wainscot and stucco;
 - c. trash receptacles shall be provided adjacent to every vacuum;
 - d. all downspouts shall be located within the building;
4. All canvas-type awnings shall be Sunbrella material, or similar. No back-lit awnings are allowed.
5. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
6. Construction of the carwash shall not occur prior to construction of the convenience food store. Use of the carwash shall not be permitted prior to the issuance of a Certificate of Occupancy for the convenience food store.
7. The development of this site shall be in compliance with all conditions mentioned herein and those approved with UN-09-11. If UN-09-11 is not approved, this application shall be considered null and void.

8. Commercial driveways are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. The size and number of driveways and their locations are subject to review and approval by the Department of Public Works. Conformance may require modifications to the site.
10. The applicant shall submit an application (AMP) to amend the *Master Plan of Streets & Highways* to formally change the alignment of the Centennial Parkway/Tropical Parkway intersection; additionally, the property owner shall complete a parcel map concurrently with the civil improvement plans.
11. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
12. 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.
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 may be required.
16. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
17. 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.
18. A cross access easement with adjacent parcels 124-30-204-001 and 124-30-204-002 shall be provided prior to approval of the civil improvement plans.

The following was carried forward from Item No. 18, UN-09-11:

The application was presented by Robert Eastman, Principal Planner who explained the convenience food store and gas pumps were very similar in design to Item Nos. 1 and 2. Staff was recommending approval of UN-09-11 and UN-08-11. A revised site plan was submitted, showing the carwash had been moved away from the convenience food store located to the north of the site and there was now a drive isle with parking for the vacuum between the carwash and principle building. Staff had a number of design concerns when dealing with the building and through a number of meetings with the representatives of the application, their concerns with the design had been solved and the revised conditions of approval were handed out during the Briefing. Staff was recommending approval of UN-09-11 with Condition Nos. 5,6,7,10,11 13.a and 12.f amended.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 *appeared on behalf of the applicant indicating he concurred with Staff recommendation, except for condition No. 6, the maximum signage should be 75% instead of 60%.*

Mr. Eastman agreed maximum signage should be 75%..

Mr. Garcia stated there was a concern where the air, water and propane tank should be located. They are currently on the perimeter landscaping portion of the project as opposed to the other side of the curb.

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

Chairman Trivedi closed the Public Hearing.

Commissioner Jay Aston asked for feedback from Staff why they wanted the air, water, and propane in the asphalt area rather than back of curb.

Mr. Eastman responded by placing it in the landscaping, you were taking away some of the landscaped area and contributing somewhat to reducing the overall aesthetic appearance of 20 feet of landscaping next to the street. So, functionally, the Design Standards dictate that the 20 feet should be for landscaping.

Commissioner Aston stated it seemed harder on the eyes to have four bollards around the air, water and propane, than to have it located in the landscaping buffer, so he was in support of the applicant's request.

Commissioner Dean Leavitt agreed with Commission Aston and felt the landscaping could be enhanced to camouflage the area.

Mr. Garcia responded additional shrubs could be added to help provide additional screening.

Chairman Dilip Trivedi concurred with comments made by other Commissioners.

Commissioner Laura Perkins agreed with comments made by Commissioner Aston.

Janice Thomas of the Fire Department clarified with the applicant that the installation of the air, water and propane would be in accordance with Fire Code and depending on the size of the tank, there must be a separation distance between the building, public ways, and lines of adjoining property.

Mr. Garcia indicated he understood and would comply with Fire Code.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

18. **UN-09-11 (42342) ARCO @ TROPICAL & DECATUR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY M GRAPE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DECATUR BOULEVARD & TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-204-005.**

Items No. 17 and 18 were presented together, with Item No. 18 being heard first.

The application was presented by Robert Eastman, Principal Planner who explained the convenience food store and gas pumps were very similar in design to Item Nos. 1 and 2. Staff was recommending approval of UN-09-11 and UN-08-11. A revised site plan was submitted, showing the carwash had been moved away from the convenience food store located to the north of the site and there was now a drive isle with parking for the vacuum between the carwash and principle building. Staff had a number of design concerns when dealing with the building and through a number of meetings with the representatives of the application, their concerns with the design had been solved and the revised conditions of approval were handed out during the Briefing. Staff was recommending approval of UN-09-11 with Condition Nos. 5,6,7,10,11 13.a and 12.f amended as follows:

5. The gas canopy shall be designed and constructed to include wainscoting around the columns, and a cornice element that matches the convenience food store building. The canopy shall also use similar materials and colors of the primary building.
6. All signage (i.e., freestanding, wall, etc.) for this site shall be in compliance with the requirements set forth in Title 17. With the exception that the canopy signage shall be permitted to have a maximum of 60% coverage on each elevation to include the colored stripes and logo only. No signage identified on the site plan, primary structure, and/or canopy is implied to be or otherwise approved with this application.
7. The gas canopy lighting shall be directed downward through the use of shielding or recessed lighting.
10. The "Air and Water Station" (#7 in the legend) shall be relocated such that it (1) is not within a required landscape area; (2) would not impede vehicular movements (e.g., fueling trucks); and (3) would be away from the public rights-of-way.
11. Direct pedestrian access shall be provided as shown on the revised site plan dated 2/8/2011.

13. a) The row of parking facing Decatur Boulevard adjacent to the northern property line shall include a six foot wide landscape island at both ends of the row of 15 parking spaces, which may result in additional modifications if that row is to include the proposed 500-gallon propane tank and vacuum.
13. f) The row of parking facing Tropical Parking adjacent to the southern property line shall include a six foot wide landscape island at both ends of the row of 15 parking spaces.

The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances, including but not limited to all attached departmental memoranda.
2. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, with the exception of the following:
 - a. The convenience food store and car wash building is not required to be located at the front setback lines nearest to the intersection of Decatur Boulevard and Tropical Parkway and the gas pumps may be located between the building and Decatur Boulevard, generally as shown on the submitted site plan.
3. The building elevations for the convenience food store shall be revised to identify:
 - a. a consistent wainscot that shall be provided on each side of each structure;
 - b. a cornice that architecturally embellishes each side of each structure. Pre-finished galvanized metal flashing shall not be considered an acceptable cornice;
 - c. all down-spouts shall be within the building or otherwise fully concealed by architectural embellishments.
4. The special use permit is site-specific and non-transferable.
5. The gas canopy shall be designed and constructed to include wainscoting around the base of stucco columns, and a cornice element that matches the convenience food store building. The canopy shall also use similar material and colors of the primary building.
6. All signage (i.e., freestanding, wall, etc.) for this site shall be in compliance with the requirements set forth in Title 17. No signage identified on the site plan, primary structure, and/or canopy is implied to be or otherwise approved with this application.

7. The gas canopy shall have recessed lighting.
8. All canvas-type awnings shall be Sunbrella material, or similar. No back-lit awnings are allowed.
9. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
10. The "Air and Water Station" (#7 in the legend) shall be relocated such that it (1) is not within a required landscape area; (2) would not impede vehicular movements (e.g., fueling trucks); and (3) would be away from the public rights-of-way.
11. Direct pedestrian access shall be provided from both adjacent rights-of-way to the primary public entrance of the convenience food store.
12. A landscape berm or decorative screen wall shall be provided between the adjacent rights-of-way (Tropical Parkway and Decatur Boulevard) and the on-site driving surface. In any area not wide enough for a landscape berm, a decorative screen wall shall be provided. The berm and/or wall shall measure three feet above the adjacent on-site paved surface. Openings in the berm or wall shall only be permitted to allow for pedestrian accessways from the sidewalk to the primary customer entrance.
13. The submitted site plan shall be revised to satisfy the landscape requirements in the following areas:
 - a. the row of parking facing Decatur Boulevard adjacent to the northern property line shall include a landscape island at both ends of the row, which may result in additional modifications if that row is to include the proposed 500-gallon propane tank and vacuum;
 - b. the landscape island at the west end of the row of parking adjacent to the north side of the car wash does not identify a 24" box tree;
 - c. the landscape island at the north end of the row of parking adjacent to the west side of the c-store does not identify a 24" box tree;
 - d. the landscape island at the south end of the row of parking adjacent to the west side of the c-store does not identify a 24" box tree;
 - e. the row of parking facing the south side of the c-store shall include a landscape island at both ends of the row, which may result in additional modifications if the trash enclosure is not relocated;

- f. the row of parking facing Tropical Parkway shall include a landscape island at both ends of the row. As shown, the westernmost island appears to include the five-foot sidewalk and that would result in the landscape island being less than six feet in width, and there is no landscape island at the east end of that row;
 - g. all required landscaping, including but not limited to, the planters/landscape pots adjacent to the west side of the c-store are required to be linked to the site's automatic drip irrigation system.
14. Commercial driveways are to be designed and constructed in accordance with Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
 15. The size and number of driveways and their locations are subject to review and approval by the Department of Public Works. Conformance may require modifications to the site.
 16. The applicant shall submit an application (AMP) to amend the Master Plan of Streets & Highways to formally change the alignment of the Centennial Parkway/Tropical Parkway intersection; additionally, the property owner shall complete a parcel map concurrently with the civil improvement plans.
 17. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
 18. 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.
 19. The property owner is required to grant a roadway easement for commercial driveway(s).
 20. 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.
 21. A revocable encroachment permit for landscaping within the public right of way may be required.
 22. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.

23. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
24. A cross access easement with adjacent parcels 124-30-204-001 and 124-30-204-002 shall be provided prior to approval of the civil improvement plans.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation, except for condition No. 6, the maximum signage should be 75% instead of 60%.

Mr. Eastman agreed maximum signage should be 75%.

Mr. Garcia stated there was a concern where the air, water and propane tank should be located. They are currently on the perimeter landscaping portion of the project as opposed to the other side of the curb.

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

Chairman Trivedi closed the Public Hearing.

Commissioner Jay Aston asked for feedback from Staff why they wanted the air, water, and propane in the asphalt area rather than back of curb.

Mr. Eastman responded by placing it in the landscaping, you were taking away some of the landscaped area and contributing somewhat to reducing the overall aesthetic appearance of 20 feet of landscaping next to the street. So, functionally, the Design Standards dictate that the 20 feet should be for landscaping.

Commissioner Aston stated it seemed harder on the eyes to have four bollards around the air, water and propane, than to have it located in the landscaping buffer, so he was in support of the applicant's request.

Commissioner Dean Leavitt agreed with Commission Aston and felt the landscaping could be enhanced to camouflage the area.

Mr. Garcia responded additional shrubs could be added to help provide additional screening.

Chairman Dilip Trivedi concurred with comments made by other Commissioners.

Commissioner Laura Perkins agreed with comments made by Commissioner Aston.

Janice Thomas of the Fire Department clarified with the applicant that the installation of the air, water and propane would be in accordance with Fire Code and depending on the size of the tank, there must be a separation distance between the building, public ways, and lines of adjoining property.

Mr. Garcia indicated he understood and would comply with Fire Code.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NOS. 5, 6, 7, 10, 11, 13.A AND 13.F AMENDED AS FOLLOWS:

5. THE GAS CANOPY SHALL BE DESIGNED AND CONSTRUCTED TO INCLUDE WAINSCOTING AROUND THE COLUMNS, AND A CORNICE ELEMENT THAT MATCHES THE CONVENIENCE FOOD STORE BUILDING. THE CANOPY SHALL ALSO USE SIMILAR MATERIALS AND COLORS OF THE PRIMARY BUILDING.
6. ALL SIGNAGE (I.E., FREESTANDING, WALL, ETC.) FOR THIS SITE SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN TITLE 17. WITH THE EXCEPTION THAT THE CANOPY SIGNAGE SHALL BE PERMITTED TO HAVE A MAXIMUM OF 75% COVERAGE ON EACH ELEVATION TO INCLUDE THE COLORED STRIPES AND LOGO ONLY. NO SIGNAGE IDENTIFIED ON THE SITE PLAN, PRIMARY STRUCTURE, AND/OR CANOPY IS IMPLIED TO BE OR OTHERWISE APPROVED WITH THIS APPLICATION.
7. THE GAS CANOPY LIGHTING SHALL BE DIRECTED DOWNWARD THROUGH THE USE OF SHIELDING OR RECESSED LIGHTING.
10. THE "AIR AND WATER STATION" (#7 IN THE LEGEND) SHALL BE SCREENED WITH LANDSCAPING FROM THE PUBLIC RIGHTS-OF-WAY.
11. DIRECT PEDESTRIAN ACCESS SHALL BE PROVIDED AS SHOWN ON THE REVISED SITE PLAN DATED 2/8/2011.

13. A) THE ROW OF PARKING FACING DECATUR BOULEVARD ADJACENT TO THE NORTHERN PROPERTY LINE SHALL INCLUDE A SIX FOOT WIDE LANDSCAPE ISLAND AT BOTH ENDS OF THE ROW OF 15 PARKING SPACES, WHICH MAY RESULT IN ADDITIONAL MODIFICATIONS IF THAT ROW IS TO INCLUDE THE PROPOSED 500-GALLON PROPANE TANK AND VACUUM.
13. F) THE ROW OF PARKING FACING TROPICAL PARKING ADJACENT TO THE SOUTHERN PROPERTY LINE SHALL INCLUDE A SIX FOOT WIDE LANDSCAPE ISLAND AT BOTH ENDS OF THE ROW OF 15 PARKING SPACES.

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 17 heard next.

OLD BUSINESS

- 19. ZOA-01-11 (42142) CNLV (PUBLIC HEARING). AN APPLICATION INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD ADDITIONAL SECURITY MEASURES AS A CONDITIONAL USE WITHIN SECTION 17.20.130 BUSINESS PARK INDUSTRIAL DISTRICT (M-1), SECTION 17.20.140 GENERAL INDUSTRIAL DISTRICT (M-2), SECTION 17.20.150 HEAVY INDUSTRIAL DISTRICT (M-3); ADDING PROVISIONS FOR ADDITIONAL SECURITY MEASURES WITHIN SECTION 17.24.025; REMOVING SECTION 17.24.080 (J) WHICH STIPULATES THE CURRENT REQUIREMENTS FOR ADDITIONAL SECURITY MEASURES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED JANUARY 12, 2011)**

The application was presented by Marc Jordan, Planning Manager who explained the application was an amendment to Title 17, by removing additional security measures from Section 17.24.080.j, which was where the existing procedure was located, and required it as a special use permit. Staff was proposing to add it as a conditional use permit in M-1, Business Park Industrial District, M-2, General Industrial District, and M-3, Heavy Industrial Districts, and then add conditions in the Conditional Use Section of the Zoning Ordinance that Staff would review. A conditional use permit was something that could be administratively reviewed and approved by Staff. Staff looked at the existing requirements, which were essentially four requirements. One that the security measures were necessary to safeguard the property, if it was on the property line, it had neighboring concurrence, that other alternatives were not available and that it was supported by a CPTED (Crime Prevention Through Environmental Design) analysis. In looking at those, Staff had broken that out into 10 additional areas, still keeping the intent with the four items that the applicant would still need to demonstrate. In addition, Staff also looked at all of the previous use permits considered by the Commission and approved by City Council and took all of the concerns brought up and incorporated them as conditions of approval for a conditional use permit. What was being proposed was consistent with what was presented to City Council at a work session on November 17, 2010. Staff was recommending approval of the proposed amendment with an amendment to Item No. D under Conditions for Staff to review to read as follows: "Except for specially designed wrought iron fence making it difficult to climb in or out of the property, additional security measures must be attached to a solid masonry wall or located behind an approved wall or fence." Mr. Jordan explained that was added, because after reviewing the proposed ordinance against the three applications presented on the February 9, 2011 Agenda, it was noticed a change should be made that would be consistent with what was being proposed.

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

Chairman Trivedi closed the Public Hearing.

Commissioner Dean Leavitt appreciated the diligence of Jose Rodriguez and was in support of the application.

Chairman Dilip Trivedi asked, with the change read into the record, if the fence was to be behind the wall and if there was a gap between the wall and the fence.

Mr. Jordan explained the application was for an ordinance amendment for additional security measures, not an ordinance amendment that dealt with very specific security measures. Most likely, if an electric fence comes in, the electric fence would be off-set by one foot, as seen on other applications for electric fences. The object was to have it on the inside, so the distance was not dictated.

ACTION: APPROVED WITH SUBSECTION D AMENDED AS FOLLOWS:

- D. EXCEPT FOR A SPECIALLY DESIGNED WROUGHT IRON FENCE MAKING IT DIFFICULT TO CLIMB IN OR OUT OF THE PROPERTY, ADDITIONAL SECURITY MEASURES MUST BE ATTACHED TO A SOLID MASONRY WALL OR LOCATED BEHIND AN APPROVED WALL OR FENCE.

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

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Development Director Frank Fiori informed the Commission the final copy of Title 17 was almost complete and there would be an item on the March 9, 2011 Planning Commission Agenda for discussion and direction and also to discuss some of the outstanding issues regarding some of the development items.

Director Fiori also stated there would be a Special Planning Commission meeting March 30, 2011 at 6:00 p.m. to take action on the adoption of the new Title 17. There would also be a Focus Group meeting March 30, 2011.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:57 p.m.

APPROVED: March 9, 2011

/s/ Dilip Trivedi
Dilip Trivedi, Chairman

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