

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

March 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

WELCOME: Chairman Dilip Trivedi

ROLL CALL: Chairman Dilip Trivedi - Present
Vice-Chairman Steve Brown - Present
Commissioner Dean Leavitt - Present
Commissioner Jay Aston - Absent
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
Carolyn White, Police Department
Madeleine Jabbour, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE Commissioner Dean Leavitt

Item No. 4 was heard next.

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 9, 2011.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-11-07 (42527) TUTOR TIME AKA CHILDREN'S LEARNING ADVENTURE ANN ROAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOHN SHIELD W/ CHILDREN'S LEARNING ADVENTURE ON BEHALF OF RCS CAPITAL DEVELOPMENT LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CHILD CARE FACILITY. THE PROPERTY IS LOCATED NORTH OF ANN ROAD AND APPROXIMATELY 620 FEET EAST OF ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-29-401-007.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to reduce the size of the building to approximately 16,534 square feet; however, the site plan remains overall, the same as what was previously approved. Staff was requesting landscaping around the trash enclosure to help screen it and to provide landscaping at the end of that parking row. Staff received two cards in support of the application and one card in opposition. Staff was recommending approval of UN-11-07 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. This use permit is site specific and non transferrable.
3. Submit a revised copy of landscape plan showing
 - a) The parking lot that abuts Ann Road must be setback twenty (20) feet from the property line and shall be screened by landscaping. Street trees must be planted along Ann Road in accordance with Title 17 requirements. A minimum of 60% percent ground coverage shall be provided in all landscape areas within two years that a Certificate of Occupancy is issued.
4. The extension of time for UN-11-07 will expire on February 28, 2013.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. The developer will not be allowed to cut Ann Road.
7. 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.

8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.
9. 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. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner shall sign a restrictive covenant for utilities.
12. If the property is divided in the future, the applicant must submit a commercial subdivision map.
13. 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 access adjacent to the right-of-way.
14. A revocable encroachment permit for landscaping within the public right of way is required.
15. All off-site improvements must be completed prior to final inspection of the first building.
16. Show all recorded easements on the site plan.
17. Approval of a traffic study is required prior to submittal of the civil improvement plans.
18. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
19. The public street geometrics, width of over-pave and minimum acceptable thickness of the pavement sections will be determined by the Department of Public Works.
20. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.

21. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
22. Fire Department apparatus access lanes shall be provided within 150 feet of all exterior ground floor walls of all buildings/structures or any portion of facilities as the hose lays unless an alternate method is approved by the Fire Department.
23. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
24. Exterior walls located at five (5) feet away from property lines shall be fire rated walls per IBC 2006 requirements.

John Shields of Children's Learning Adventure, 3131 East Camelback Road, Suite 420, Phoenix, AZ 85016 appeared on the application indicating he concurred with Staff recommendation.

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

- **David Hargreaves, 5634 Via Victoria Street, North Las Vegas, NV 89031** indicated he was opposed to the application as the site was not appropriate for a daycare and the project lacked feasibility and Ann Road was a very busy street to put a day care center. He also pointed out the property was in disrepair with garbage and weeds on the site.
- **Andrew Wesley, 5626 Via Victoria Street, North Las Vegas, NV 89031** was opposed to the application. The east side of his property bordered the proposed day care center with his bedroom being 50 feet from the day care center building and also concurred with comments made by Mr. Hargreaves.

Chairman Trivedi closed the Public Hearing.

Chairman Dilip Trivedi asked the applicant if he had a schedule as to when construction would begin.

Mr. Shields responded they were hoping to begin construction within a year.

Chairman Trivedi asked the applicant if they had met with the residents to gain support of the application.

Mr. Shields responded he had not.

Mr. Shields stated he was aware of the traffic on Ann Road, but with the number of lanes, he did not feel it would be an issue and was aware of the other day care centers in the area and had done their due diligence. They were aware of the challenges and were confident the location was appropriate for a day care center.

Chairman Trivedi clarified the applicant was seeking a one year extension of time.

Mr. Shields responded the application was for a two year extension of time.

Commissioner Steve Brown stated the City must have done their due diligence to determine the day care center was appropriate.

Mr. Shields explained there was a 20 landscape buffer with the residential property to the west plus the fire lane, so the homes were probably further than 50 feet from the day care center and in the 20 foot buffer on the west property line, there were all trees in the landscaping, which would create a good buffer between the day care center and the homes to the west. He pointed out this was also a concern on the original application.

Chairman Trivedi asked the applicant about the concerns raised regarding the current maintenance of the site.

Mr. Shields responded he would check into it.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: Commissioner DePhillips

ABSTAIN: None

2. UN-12-11 (42521) MAVERIK CONVENIENCE STORE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MAVERIK, INC. ON BEHALF OF LEON CHEN ETAL, 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 NORTHEAST CORNER OF LOSEE ROAD AND LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-401-006.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop a store that was approximately 4800 square feet and were only proposing to development approximately one and one half acres of the site, leaving almost three acres undeveloped. Staff had no objection to the use, but indicated the applicant did not have elevations of the gas canopy and that the canopy would need to match the building. In the Staff Report, Staff reported the deficiencies in the landscaping; however, those items were considered minor, so a continuance was not recommended. Since Staff's review of the application, the applicant submitted a new site plan, which was consistent with what was presented to the Commission in their packet. The new site plan shows building elevations in compliance with the Commercial Design Guidelines and landscaping in the parking areas. One card was received in opposition to the application. Staff is recommending approval of UN-12-11 with the following amendments to conditions: Condition No. 3.d added to read: "A roof matching the eave over the entrance shall be provided over the area identified as "housekeeping pad". This was being added because the applicant had proposed an outside storage area for housekeeping, which was not allowed in C-1, so if it was enclosed, it would be considered part of the building. Condition Nos. 9 and 14 would be deleted. Condition No. 19.e would be amended to read: "A minimum six (6) landscape containers shall be provided between the front of the store and the parking spaces." This was being added because normally six feet of foundation landscaping was required. The applicant approached Staff with alternative landscaping, but in lieu of that, they were also providing a fairly large pedestrian plaza area on the north side of the building that was not normally required, so it was felt they were providing over and above the normal amount of landscaping which was being encouraged as it was next to one of the regional trails and would provide a space for people who were using the trail. 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 building is not required to be located at the front setback lines nearest to the intersection of Losee and Lone Mountain roads, and the gas pumps may be located between the building and Losee Road, generally as shown on the submitted site plan.
3. The building elevations for the convenience food store shall be revised to identify:
 - a. a wainscot, as shown, shall be provided around the entire building;
 - b. a cornice, as shown, shall be provided around the entire building; Pre-finished galvanized metal flashing is not an acceptable cornice material;
 - 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, freestanding sign housing/cabinet, and trash enclosure shall use similar materials and colors of the primary building. All structures shall be designed and constructed to include wainscoting, and columns and a cornice that match the ones identified on the front elevation of the convenience food store building. The trash enclosure is also required to have a matching roof.
6. The “column” features shall be provided at each corner of the building, and shall wrap around each corner. Additionally, a “column” shall be provided and evenly spaced along the backside of the building at approximately 30 feet on-center.
7. All signage (i.e., freestanding, wall, etc.) for this site shall be in compliance with the current requirements set forth in Title 17, with the exception that the canopy signage shall be permitted to have a maximum 75% coverage on each elevation to include any colored stripes and logo. No signage identified on the site plan, primary structure, and/or canopy is otherwise approved with this application.
8. The gas canopy lighting shall be directed downward through the use of shielding or recessed lighting.
9. The outdoor “Housekeeping Pad” shall be removed. All storage of goods and/or materials shall be within the building.
10. The sidewalks along Losee Road and Lone Mountain Road, if not currently installed in accordance with City standards, shall maintain a minimum five-foot (5.00') separation from the backs-of-curb, except where the bus turn-out is provided. All detached sidewalks shall be meandering.

11. Chain-link fencing, with or without privacy slats, is prohibited.
12. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
13. Wheel stops shall be provided for all parking stalls that abut an on-site sidewalk, unless the sidewalk is increased to a minimum eight feet (8.00') in width.
14. The "Air Station" shall be relocated such that it (1) is not within a required landscape area; (2) would not impede vehicular movements (e.g., fueling trucks, customers, etc.); and (3) would be away from the public rights-of-way. It is recommended to be located near the pedestrian plaza area.
15. The pedestrian plaza area, approximately 69' x 75', shall be provided as identified on the proposed site plan. Picnic tables and shade structures are not required to match the primary building materials, but shall be painted using the same color theme. At least one trash receptacle shall be located within the plaza area.
16. Direct pedestrian access shall be provided from all adjacent rights-of-way, including the trail, to the primary public entrance of the convenience food store or to the pedestrian plaza area. Said accessways shall be distinguished from the driving surface through the use of bricks, decorative pavers, and/or stamped and colored concrete.
17. A minimum two (2) bicycle parking spaces shall be provided and they shall not interfere with pedestrian access paths nor be in-lieu of any required landscaping. Said bicycle rack is recommended to be located within the pedestrian plaza area.
18. A landscape berm or decorative screen wall shall be provided between the adjacent rights-of-way (Losee Road and Lone Mountain Road) 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 (3.00') 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, or pedestrian plaza area.
19. The submitted site plan shall be revised to satisfy the landscape requirements in the following areas:
 - a. the row of parking facing the front of the store shall include a landscape island at both ends of the row;

- b. the row of parking facing the south side of the store shall include a landscape island at both ends of the row, which may result in relocating or modifying the trash enclosure and/or grease-trap interceptor;
 - c. one additional landscape island is required within the row of parking that faces the front of the store and shall be spaced such that not more than fifteen parking spaces are in a row;
 - d. all landscape islands shall be at least six feet (6.00') in width and shall be fully enclosed by a raised curb;
 - e. foundation landscaping, or an alternative allowed in Title 17, shall be provided between the front of the store and the parking spaces;
 - f. all on-site parking and driving surfaces are required to maintain a minimum 20-foot setback from the property lines adjacent to Lone Mountain Road and Losee Road, with the exception that the bus turn-out may encroach into this setback; the setback areas are required to be landscaped in accordance with the requirements set forth in Title 17 and shall contain the required public sidewalk.
20. 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. The proposed drive aisle is not necessary and can be removed without modifying the site layout.
 21. Approval of a traffic study is required prior to submittal of the civil improvement plans.
 22. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Losee Road and Lone Mountain Road.
 23. Right-of-way dedication and construction of a CAT bus turn-out is required on Losee Road near Lone Mountain Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 234.1 or 234.3 and 234.2. It is suggested that the applicant place the bus turnout within the exclusive right turn lane per drawing number 234.3.
 24. If not already existing, 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. Losee Road
 - b. Lone Mountain Road
 25. 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.

26. Approval of a drainage study is required prior to submittal of the civil improvement plans.
27. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
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.
34. All off-site improvements must be completed prior to final inspection of the building.

Don Liliquist with Maverik Convenience Stores, 880 West Center Street, North Salt Lake, UT 84054 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Commissioner Dean Leavitt appreciated the applicant for adding the plaza area which would enhance the trail system.

Commissioner Jo Cato entered Chambers at 6:20 p.m.

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 WITH
CONDITION NOS. 9 AND 14 DELETED AND CONDITION NO. 3.D ADDED
AND CONDITION NO. 19.E AMENDED TO READ:

3.D. A ROOF MATCHING THE EAVE OVER THE ENTRANCE SHALL BE
PROVIDED OVER THE AREA IDENTIFIED AS "HOUSEKEEPING
PAD".

19.E. A MINIMUM SIX (6) LANDSCAPE CONTAINERS SHALL BE
PROVIDED BETWEEN THE FRONT OF THE STORE AND THE
PARKING SPACES.

MOTION: Commissioner Leavitt

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

3. **UN-13-11 (42488) C AND L PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRAS SULYMAN ON BEHALF OF CONNORS FAMILY 1984 TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A RETAIL COMMERCIAL USE. THE PROPERTY IS LOCATED AT 2040 EAST CRAIG ROAD, SUITE 102. THE ASSESSOR'S PARCEL NUMBER IS 139-02-613-016.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to sell cellular phones and accessories. The property was predominantly auto service, with three buildings, two of which were auto service and the building the applicant would be located in was designed and constructed for primarily retail uses and there were existing retail uses within the building and there were previous retail uses in the proposed suite. One card was received in support of the application. Staff was recommending approval of UN-13-11 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.

Firas Sulyman, 6407 Diego Drive, Las Vegas, NV 89156 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.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 5 was heard next.

4. **UN-17-11 (42544) COLLISION AUTHORITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COLLISION AUTHORITY ON BEHALF OF COMEX BUILDING LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 4429 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-02-613-012.**

It was requested by the applicant to withdraw UN-17-11.

ACTION: WITHDRAWN

Item No. 7 was heard next.

5. **ZOA-06-11 (42388) CNLV - MANUFACTURED HOUSING (PUBLIC HEARING). AN APPLICATION AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.24.210, SINGLE-FAMILY DESIGN GUIDELINES; SUBSECTION (1.2), MANUFACTURED HOUSING; TO AMEND THE ALLOWED AGE OF A MANUFACTURED HOME PLACED ON A RESIDENTIAL LOT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed amendment was to allow manufactured homes to be placed on a lot as real property as long as the home was constructed in the last six years. Currently, the Code stated it needed to be five years old or newer. Since the Code was adopted in 1999, the Nevada State Legislature changed the Statute enabling legislation to allow homes up to six years and the proposed amendment would bring the City of North Las Vegas into compliance with current Nevada Revised Statutes (NRS) regulations. Staff was recommending approval of ZOA-06-11 and that it be forwarded to City Council for final consideration.

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, Cato, Perkins and DePhillips

NAYS: None

ABSTAIN: None

6. UN-18-11 (42549) FIRESTONE AUTO CARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRESTONE ON BEHALF OF HD DEVELOPMENT MARYLAND INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF CRAIG ROAD AND APPROXIMATELY 700 FEET EAST OF MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-701-016.

The application was presented by Robert Eastman, Principal Planner who explained the proposed site would be a Firestone Auto Service Center providing general auto service and tire sales. The use was in an existing commercial center with a number of out pads containing a Walgreen's, bank and some fast food restaurants. When the use was originally proposed, the site plan was not in compliance with the Design Standards and there were some concerns with the internal circulation. Since that time, the applicant submitted a revised site plan and building elevations that were in compliance with Code; therefore, Staff was recommending approval with conditions listed in the Revised Memorandum dated March 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.
2. The building elevations and site plan shall be revised to comply with the Commercial Design Standards and overall design of the commercial center including but not limited to:
 - a. Stucco siding with wainscoting shall be provided on all sides of the structure;
 - b. all down-spouts shall be within the building or otherwise fully concealed by architectural embellishments;
 - c. landscaped islands shall be placed for every fifteen (15) parking spaces within a row of parking and on both sides of the trash enclosure.
 - d. Two triangular shaped tree wells with 24-inch box trees, be added to the western half of the parking row.
3. Approval of a traffic study update is required prior to submittal of the civil improvement plans.

Barbara Baird, B2 Developer Services, 209 South Stephanie Street, Henderson, NV 89012 and the applicant, Robert Pinon with Jones Lang LaSalle. Ms. Baird indicated she concurred with Staff recommendation and thanked them for working with them on the application.

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

Chairman Trivedi closed the Public Hearing.

Commissioner Joseph DePhillips asked where the storage was located for tires and excess vehicles.

Mr. Pinon responded there was storage inside the building for excess rubber, which was picked up for recycling on a weekly basis and there was additional space inside the trash enclosure and was not visible to the public.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED MARCH 9, 2011

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

Item No. 10 was heard next.

7. **UN-14-11 (42489) C-STORE RENOVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGYRIS ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT 3820 CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-044.**

Item Nos. 7 through 9 were heard together.

It was requested by the applicant to continue UN-14-11 to April 13, 2011.

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

Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 13, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

8. **UN-15-11 (42490) C-STORE RENOVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGYRIS ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 3820 CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-044.**

Item Nos. 7 through 9 were heard together.

It was requested by the applicant to continue UN-15-11 to April 13, 2011.

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

Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 13, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

9. **UN-16-11 (42502) C-STORE RENOVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGYRIS ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG STATION). THE PROPERTY IS LOCATED AT 3820 CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-044.**

Item Nos. 7 through 9 were heard together.

It was requested by the applicant to continue UN-16-11 to April 13, 2011.

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

Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 13, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 14 was heard next.

10. ZOA-07-11 (42607) CNLV - REDEVELOPMENT AREA (PUBLIC HEARING). AN APPLICATION AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.20.210 (I) R-A/PSP REDEVELOPMENT AREA/PUBLIC/SEMI PUBLIC SUBDISTRICT SPECIFICALLY SUBSECTION (2) TO ALLOW RETAIL/SERVICE USES AS A PRINCIPALLY PERMITTED USE; AND SUBSECTION (3) REMOVING PUBLIC BUILDINGS AND USES, AND RETAIL SERVICE USES AS SPECIAL USES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

The application was presented by Marc Jordan, Planning Manager who explained the amendment was to clarify and amend an item in the Zoning Ordinance. The Zoning Ordinance currently allows public buildings as a principally permitted use and also requires a special use for public buildings. The proposed amendment would eliminate that conflict and because of the nature of the PSP District, public buildings would be considered a principally permitted use. In addition, retail services were not allowed to exceed 15% of the floor area of the special use. Essentially, a building could set aside 15% of the floor area to allow a small restaurant or convenience type service to the employees of that building and, currently, that was required as a special use. To help encourage businesses to develop this type of space in their facility, it was being proposed to move that from the special use section to the principally permitted use section. Staff was recommending approval of ZOA-07-11 and that it be forwarded to City Council for final consideration.

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: Chairman Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

11. **T-1342 (42538) ELDORADO R1-60 NO. 16 & R1-56 #16. AN APPLICATION SUBMITTED BY PARDEE HOMES, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN THE OL/DA, OPEN LAND DEVELOPMENT AGREEMENT DISTRICT, CONSISTING OF 144 RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF DEER SPRINGS WAY AND GLIDING EAGLE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-21-315-001 THRU 124-21-315-015, 124-21-315-017 THRU 124-21-315-033, 124-21-315-038 THRU 124-21-315-073, 124-21-316-001 THRU 124-321-316-063 AND 124-21-317-001 THRU 124-21-317-005.**

The application was presented by Robert Eastman, Principal Planner who explained previously on the site, there was an existing tentative map that was approved and filed that was for 136 single family lots. Currently, the applicant was proposing 144 lots, 62 that are 6,000 square foot lots and 82 lots that would be 4,700 square feet, which was in conformance with the Eldorado Development Agreement and the RCL Zoning for that section. Originally, with this development, there were concerns with the proposed tentative map, specifically, a number of the stub streets were not in compliance with Title 16 Subdivision regulations. The applicant submitted a revised tentative map which was reviewed by Staff, who determined the tentative map was now in compliance with Title 16 and the Eldorado Development Agreement and was recommending approval of T-1342 subject to the conditions listed in the Revised Memorandum dated March 9, 2011 as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. This development shall comply with *City of North Las Vegas Municipal Code section 16.20.050.P* "Terminal streets, not to exceed one hundred fifty (150) feet in length, as measured from the face-of-curb of the intersecting street to the face-of-curb of the terminal street, and with a maximum of four fronting lots, shall terminate in a cul-de-sac with a minimum back-of-curb radius of twenty-four (24) feet.
4. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The

- footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
5. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
 6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Way.
 7. If not already existing, 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. Deer Springs Way
 - b. Gliding Eagle Road
 - c. Gentle Brook Street
 8. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222 and 222A gated entry standards.
 9. Proposed residential driveway slopes shall not exceed twelve percent (12%).
 10. The property owner may be required to grant roadway easements where public and private streets intersect.
 11. All common elements shall be maintained by the Home Owners Association and shall be labeled accordingly on the civil improvement plans and associated mapping.
 12. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
 13. A revocable encroachment permit for landscaping within the public right of way is required.
 14. 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.

15. 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.

Barbara Baird, B2 Developer Services, 209 South Stephanie Street, Henderson, NV 89012 and Gia Nguyen of RBF Consulting appeared on the application. Ms. Baird indicated she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED MARCH 9, 2011

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

12. **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 AND FEBRUARY 9, 2011)**

The application was presented by Marc Jordan, Planning Manager who explained the application was continued from the February 9, 2011 Planning Commission meeting. The applicant was proposing to build a convenience store that was approximately 3500 square feet and as part of it, there would be 900 square feet set aside which would be available for a convenience food restaurant. The accompanying application was for a use permit for a carwash. The applicant requested a couple of waivers, one would be to not require the building to be located at the street frontage, which Staff was supporting, as it was consistent with previous approvals. The applicant also requested a waiver to allow an increase in signage along the canopy. The last few ARCO/AM PM's which were heard by the Commission, had waivers approved for the increased signage to 75%, based on the design. Staff was recommending approval of UN-74-10 with the conditions listed in revised memorandum dated March 9, 2011, which includes the support of the requested waivers. Nine cards were received in opposition of the application and two in support. Also, at the February 9, 2011 Planning Commission meeting a petition was submitted with 17 names in opposition to the application. The 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 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.
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. The canopy signage shall be permitted to have a maximum of 75% coverage on each elevation to include the colored stripes and logo only.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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
18. 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.
19. 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.
20. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
21. Fiber optic conduit for traffic signal interconnect shall be installed along Centennial Parkway and Commerce Street.
22. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
23. 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.

24. Approval of a drainage study is required prior to submittal of the civil improvement plans.
25. 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.
26. 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.
27. 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.
28. A barrier must be provided between the developed and undeveloped portion of the site to deter driving or parking on vacant land.
29. The property owner is required to grant a roadway easement for commercial driveway(s).
30. 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.
31. A revocable encroachment permit for landscaping within the public right of way is required.
32. 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.
33. 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.
34. The property owner is required to sign a restrictive covenant for utilities.

Gemie Knisely, GK3 Architecture, 2111 Edgewood Avenue, Las Vegas, NV 89101 and Gulzar Kular, property owner appeared on the application. Ms. Knisely concurred with Staff recommendation and pointed out the project was on a corner site with C-1 zoning and the C-1 District should provide goods and services on a neighborhood market scale and she felt the proposed project offered that with the convenience store and small restaurant and attached carwash. She showed the previously approved site plan for the project and explained the previously approved site layout was much more intense than what was being proposed with the new design. The density was reduced and they had gained franchise approval and in getting approval from the franchise, they had market research that had been done and the proposed location exceeded requirements for a successful business. She understood there had been businesses close in the area and there was also businesses closed around the valley. She pointed out businesses failing could be the result of many things, poor management, not taking care of the business and there was definitely responsibility on the owners' behalf to make a business succeed and research showed the proposed site would be a successful location. She understood there was a carwash in the area that was in disrepair, but were not offering a similar product. The proposed project had a state of the art carwash and the owner had experience in the field and currently had two other sites he was operating which had been in existence for approximately 11 years and were maintained in pristine condition. Ms. Knisely also explained she held a neighborhood meeting, with the notice being sent to 80 addresses and included The Parks neighborhood, which added 440 addresses to the list, resulting in 524 notices being mailed out. There were nine people in attendance at the meeting, with two of them being opposed to the project and others attended to see what was being proposed on the site. She also had five phone calls as a result of the notification and of those phone calls, there was verbal support for the use being proposed on the site. A petition was presented at the last Planning Commission meeting and of those people on the list, only one was within the 1,000 foot notification radius and some were as far as 10,000 feet away from the site. She did have one person question why she was not notified and it was due to being outside of the notification radius. Relative to the site layout, they had tried to focus the traffic to the corner at Centennial Boulevard and Commerce Street so the convenience store and the traffic stayed focused toward the street corner verses the adjacent neighborhood.

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

Cherlyn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031 was opposed to the proposed project based on pure economics. She reminded the Commission there was currently a Circle K west of Commerce Street on Centennial Boulevard as well as Bob's Market Gas and Carwash. She spoke with the manager of that store and he did not feel there was enough business in the community to support another gas station as the economy would not support it. If the project were approved, with three gas stations in close proximity of each other, one of them would close and then there would be more vacant buildings. A petition was submitted with 23 names, some of whom were on the petition presented at the February 9, 2011 Planning Commission meeting.

Chairman Trivedi closed the Public Hearing.

Commissioner Jo Cato asked the applicant if any of the people whose names on the petition submitted at the February 9, 2011 Planning Commission meeting, invited to the neighborhood meeting or if she just used the list provided by the City plus the additional homes requested by Councilman Cherchio.

Ms. Knisely stated there was one person on the petition within the 1,000 foot radius who was notified.

Commissioner Cato asked if those in attendance at the last meeting were notified of the neighborhood meeting.

Ms. Knisely responded they were not, as she did not have a copy of the list. It was faxed to her the day of the meeting.

Commissioner Cato explained even though those listed on the petition were not within the notification radius, out of courtesy, they should have been notified of the neighborhood meeting.

Ms. Knisely stated with the research done, it was not felt they competed at the same value segment as the other gas stations in the area. They were sensitive that there were businesses that had not succeeded and it takes a lot to make a business succeed and she thought the applicant's track record of existing stores that had been built, maintained and succeeding for over 11 years, that they were not setting it up to fail, but had all the confidence that it would be a good site for years to come.

Commissioner Joseph DePhillips also felt those neighbors who attended the February 9, 2011 Planning Commission meeting should have been notified of the neighborhood meeting even though they were outside the notification radius.

Vice-Chairman Steve Brown asked if those who signed the petition were at the February 9, 2011 Planning Commission meeting.

Ms. Thomas responded she did not ask them to come to the meeting.

Commissioner Laura Perkins asked the applicant if there were any statistics as to how far people drove for gas.

Ms. Knisely responded she did not have that information available.

Commissioner Perkins explained she asked that question because the Circle K was on the south side of the street and Bob's Carwash was approximately ½ mile away and she thought the leading statistics for how far people travel for gas was less than ½ mile.

Vice-Chairman Steve Brown understood the neighbors' concerns, that there would not be sufficient business, but he also believed the Constitution did not include government getting involved with taking away your option to open a business. This area was zoned commercial, it was an appropriate use for commercial, and this was an appropriate commercial use and was not detrimental to the area and would provide a service for the area and in a free market economy, it would do nothing but provide good, constructive competition with its neighbors and if the applicant was willing to take the risk and put the money forward, the applicant must have done enough studying to know the business could survive at that location. He hoped the Commission would not think it was a bad thing to put in another business. He understood businesses closed down and it was unfortunate, but the economy was bad right now, but it would be a bad precedent to deny the application because the business may not succeed or cause another business to close.

Commissioner Dean Leavitt concurred with Vice-Chairman Brown and appreciated the applicant taking the time to modify the site plan and enhance its capabilities or probabilities of success and it was true there were multiple gas stations within walking distance and he wondered if they would be having the same discussion if there was a McDonald's, an Arby's, and now Wendy's wants to come in. Competition was healthy and, as stated by the applicant, most people do not invest money, time and effort into a business with only the hope of keeping the doors open. The applicant has done his due diligence, their studies and demographics and met the City's requirements and he believed they should have the right and privilege of making their bid to have a successful business.

Chairman Trivedi thanked the applicant for making the effort to hold the neighborhood meeting to get support from the neighbors and agreed with comments made by Vice-Chairman Brown and Commissioner Leavitt.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: Commissioner DePhillips

ABSTAIN: None

13. **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 AND FEBRUARY 9, 2011)**

The application was presented by Marc Jordan, Planning Manager who explained nine cards were received in opposition and two in support of the application and there was a petition submitted at the February 9, 2011 Planning Commission meeting with 17 names in opposition. Staff was recommending approval of UN-76-10 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. 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.

The following comments were carried forward from Item No. 12, UN-74-10:

The application was presented by Marc Jordan, Planning Manager who explained the application was continued from the February 9, 2011 Planning Commission meeting. The applicant was proposing to build a convenience store that was approximately 3500 square feet and as part of it, there would be 900 square feet set aside which would be available for a convenience food restaurant. The accompanying application was for a use permit for a carwash. The applicant requested a couple of waivers, one would be to not require the building to be located at the street frontage, which Staff was supporting, as it was consistent with previous approvals. The applicant also requested a waiver to allow an increase in signage along the canopy. The last few ARCO/AM PM's which were heard by the Commission, had waivers approved for the increased signage to 75%, based on the design. Staff was recommending approval of UN-74-10 with the conditions listed in revised memorandum dated March 9, 2011, which includes the support of the requested waivers. Nine cards were received in opposition of the application and two in support. Also, at the February 9, 2011 Planning Commission meeting a petition was submitted with 17 names in opposition to the application. The recommended conditions are as follows:

Gemie Knisely, GK3 Architecture, 2111 Edgewood Avenue, Las Vegas, NV 89101 and Gulzar Kular, property owner appeared on the application. Ms. Knisely concurred with Staff recommendation and pointed out the project was on a corner site with C-1 zoning and the C-1 District should provide goods and services on a neighborhood market scale and she felt the proposed project offered that with the convenience store and small restaurant and attached carwash. She showed the previously approved site plan for the project and explained the previously approved site layout was much more intense than what was being proposed with the new design. The density was reduced and they had gained franchise approval and in getting approval from the franchise, they had market research that had been done and the proposed location exceeded requirements for a successful business. She understood there had been businesses close in the area and there was also businesses closed around the valley. She pointed out businesses failing could be the result of many things, poor management, not taking care of the business and there was definitely responsibility on the owners' behalf to make a business succeed and research showed the proposed site would be a successful location. She understood there was a carwash in the area that was in disrepair, but were not offering a similar product. The proposed project had a state of the art carwash and the owner had experience in the field and currently had two other sites he was operating which had been in existence for

approximately 11 years and were maintained in pristine condition. Ms. Knisely also explained she held a neighborhood meeting, with the notice being sent to 80 addresses and included The Parks neighborhood, which added 440 addresses to the list, resulting in 524 notices being mailed out. There were nine people in attendance at the meeting, with two of them being opposed to the project and others attended to see what was being proposed on the site. She also had five phone calls as a result of the notification and of those phone calls, there was verbal support for the use being proposed on the site. A petition was presented at the last Planning Commission meeting and of those people on the list, only one was within the 1,000 foot notification radius and some were as far as 10,000 feet away from the site. She did have one person question why she was not notified and it was due to being outside of the notification radius. Relative to the site layout, they had tried to focus the traffic to the corner at Centennial Boulevard and Commerce Street so the convenience store and the traffic stayed focused toward the street corner verses the adjacent neighborhood.

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

Cherlyn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031 *was opposed to the proposed project based on pure economics. She reminded the Commission there was currently a Circle K west of Commerce Street on Centennial Boulevard as well as Bob's Market Gas and Carwash. She spoke with the manager of that store and he did not feel there was enough business in the community to support another gas station as the economy would not support it. If the project were approved, with three gas stations in close proximity of each other, one of them would close and then there would be more vacant buildings. A petition was submitted with 23 names, some of whom were on the petition presented at the February 9, 2011 Planning Commission meeting.*

Chairman Trivedi closed the Public Hearing.

Commissioner Jo Cato asked the applicant if any of the people whose names on the petition submitted at the February 9, 2011 Planning Commission meeting, invited to the neighborhood meeting or if she just used the list provided by the City plus the additional homes requested by Councilman Cherchio.

Ms. Knisely stated there was one person on the petition within the 1,000 foot radius who was notified.

Commissioner Cato asked if those in attendance at the last meeting were notified of the neighborhood meeting.

Ms. Knisely responded they were not, as she did not have a copy of the list. It was faxed to her the day of the meeting.

Commissioner Cato explained even though those listed on the petition were not within the notification radius, out of courtesy, they should have been notified of the neighborhood meeting.

Ms. Knisely stated with the research done, it was not felt they competed at the same value segment as the other gas stations in the area. They were sensitive that there were businesses that had not succeeded and it takes a lot to make a business succeed and she thought the applicant's track record of existing stores that had been built, maintained and succeeding for over 11 years, that they were not setting it up to fail, but had all the confidence that it would be a good site for years to come.

Commissioner Joseph DePhillips also felt those neighbors who attended the February 9, 2011 Planning Commission meeting should have been notified of the neighborhood meeting even though they were outside the notification radius.

Vice-Chairman Steve Brown asked if those who signed the petition were at the February 9, 2011 Planning Commission meeting.

Ms. Thomas responded she did not ask them to come to the meeting.

Commissioner Laura Perkins asked the applicant if there were any statistics as to how far people drove for gas.

Ms. Knisely responded she did not have that information available.

Commissioner Perkins explained she asked that question because the Circle K was on the south side of the street and Bob's Carwash was approximately ½ mile away and she thought the leading statistics for how far people travel for gas was less than ½ mile.

Vice-Chairman Steve Brown understood the neighbors' concerns, that there would not be sufficient business, but he also believed the Constitution did not include government getting involved with taking away your option to open a business. This area was zoned commercial, it was an appropriate use for commercial, and this was an appropriate commercial use and was not detrimental to the area and would provide a service for the area and in a free market economy, it would do nothing but provide good, constructive competition with its neighbors and if the applicant was willing to take the risk and put the money forward, the applicant must have done enough studying to know the business could survive at that location. He hoped the Commission would not think it was a bad thing to put in another business. He understood businesses closed down and it was unfortunate, but the economy was bad right now, but it would be a bad precedent to deny the application because the business may not succeed or cause another business to close.

Commissioner Dean Leavitt concurred with Vice-Chairman Brown and appreciated the applicant taking the time to modify the site plan and enhance its capabilities or probabilities of success and it was true there were multiple gas stations within walking distance and he wondered if they would be having the same discussion if there was a McDonald's, an Arby's, and now Wendy's wants to come in. Competition was healthy and, as stated by the applicant, most people do not invest money, time and effort into a business with only the hope of keeping the doors open. The applicant has done his due diligence, their studies and demographics and met the City's requirements and he believed they should have the right and privilege of making their bid to have a successful business.

Chairman Trivedi thanked the applicant for making the effort to hold the neighborhood meeting to get support from the neighbors and agreed with comments made by Vice-Chairman Brown and Commissioner Leavitt.

Gemie Knisely, GK3 Architecture, 2111 Edgewood Avenue, Las Vegas, NV 89101 and Gulzar Kular, property owner appeared on the application. Ms. Knisely indicated she concurred with Staff's recommendation.

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

Chairman Trivedi closed the Public Hearing.

Vice-Chairman Steve Brown asked Ms. Knisely if the proposed carwash would be the same type as the one located at Ann Road and Clayton Street.

Mr. Kular responded it would be the same.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Work Session was heard next.

14. **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. (CONTINUED FEBRUARY 9, 2011)**

It was requested by the applicant to continue SPR-02-11 to April 13, 2011.

ACTION: CONTINUED TO APRIL 13, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

First Public Forum was heard next.

WORK SESSION

- Presentation, discussion and/or direction on the New Title 17 Zoning Ordinance.

Frank Fiori, Community Development Director explained Staff had been working on an update to Title 17 for approximately four years and were now in the final stages of adopting an updated Zoning Ordinance for the City. A Special Planning Commission meeting would be scheduled for March 30, 2011 and there would also be a meeting with the Focus Group to present the update and if approved by the Commission, it would be presented to City Council on May 6, 2011.

Director Fiori explained since it had been some time since Staff had touched base with the Commission, he wanted to bring forth a summary of some of the major changes that had occurred and have a discussion in regards to where Staff had been with it. Staff had worked with Southern Nevada Home Builders and with National Association of Industrial and Office Parks (NAIOP) to try to come to agreement on changes that were made and the updates to the Zoning Ordinance. A consensus had not been reached with all bodies on all points, but Staff had come a long way. What was being brought forth in terms of the regulations being proposed and the way the Ordinance was now organized, would be much more user friendly and much easier for the public and Staff to use. Many of the development standards have been amended so development that occurs in the future would still be of a high standard for the City, but, would be more sustainable in terms of water usage, heat impact, etc.

Robert Eastman, Principal Planner informed the Commission that when a final version of the proposed Title 17, Zoning Ordinance was received, it would be sent to the Commissioners and the Focus Group members for the meetings on March 30, 2011.

Mr. Eastman explained the Structure of the New Zoning Code had chapters listed as: 17.04, General Provisions, 17.08, Review and Decision-Making Bodies, which describes the roles of the various persons involved in the approval process; 17.12 was the procedure section, which was vastly different than what was in the existing Code. Then there was the Zone District, Use Regulations and Design Standards. Some of the changes were to some of the dimensional standards, a number of changes to the set-backs and some changes to dimensions for landscaping that would now be allowed. There also have been numerous changes to both in-fill and Redevelopment. The biggest change dealing with Redevelopment was that, currently in the Code, there was the Redevelopment Section and after talking about the District, there was a number of District specific design standards and some other things for just the downtown area. Instead, as time has gone on, the Design Standards have continued to become more in keeping with the Design Standards, which

have been keeping pace with the Commission's recommendation, and City Council requirements; but, the Redevelopment provisions had not. So, previously the Redevelopment area may have been slightly more restrictive and had more design issues; but, now they have been folded together, because now the more restrictive and more detail is in the Commercial Design Standards. There are some changes for Redevelopment. There were changes to mixed use, predominantly, to the definitions to separate what was thought of as vertical mixed use versus horizontal mixed use. Staff would like to see more vertical mixed use and most of what has come before the Commission was horizontal mixed use, which was not quite as well mixed as hoped for. Staff has changed some of the standards to try to encourage more vertical mixing and actually getting more of a mix instead of two separate uses sitting next to each other. A standard, called connectivity has been added in the residential, multi-family and single-family which required it to try to reduce some of the dead-end streets and getting the neighborhoods to try to function together instead of every development being a walled off enclave. Many of the recommendations from the Crime Prevention Through Environmental Design (CPTED) study which was done several years ago. There have been a number of references included in the Design Standards regarding some of the set-back and landscaping. Landscaping was being encouraged, but Staff was aware of CPTED requirements and the desire to not create pockets where people could hide from view. There have been provisions added for sustainability and solar energy collection, wind energy and there were also some changes to the Design Standards.

Mr. Eastman stated 17.04 and 17.08 were very similar to the current Code. The changes start when dealing with the Review and Approval Procedures. Every use has a flow chart and were color-coded so an applicant or a citizen would understand the steps, which were described in the Code. Currently, there was just a procedure section in the back which talked about the application and submission requirements. The section was larger but was more user friendly and easier to understand. When looking at 17.16, Zone Districts, some of the differences in the zone districts was the Redevelopment and in-fill, a planned in-fill district was created, which was similar to a PUD, with the same review and approval procedure. It would be heard by the Commission and then be forwarded to City Council in the form of an ordinance for final consideration. The difference with a planned in-fill district, was that it was made for in-fill and could be put on much smaller lots and was designed with the idea of certain things being waived, getting some reduction in parking, and some of the landscape requirements because a lot of the in-fill, you were not looking for suburban style development as the Design Standards indicated, but wanted some that was more conducive and compatible with the neighborhood. There were requirements for compatibility with the neighborhood, so if somebody had assembled six residential lots and they were surrounded by single-family homes, even though they were in the Redevelopment area or an in-fill district, and they wanted to put in a five story apartment building, it would not be compatible with the existing neighborhood, so it would not be allowed. There were some changes made to the Redevelopment area. There were

currently a number of commercial land use categories in the Redevelopment area, RA/CR for Commercial Retail, RA/CREC for Commercial and Recreation, RA/CHE for Hotel and Casinos and the RA/FA for the Focus Area. Mr. Eastman explained the Focus Area was to try to generate more development. There was also an office area. The Downtown Investment Strategy and the meetings with the stakeholders and the business community, years ago, came up with the idea that segregating and slicing up the downtown area into such small uses was not conducive to development and the City would prefer to have a more general mixing of commercial uses, so a building could have retail on the first floor, office on the second floor, even residential above that and allowing that by right, which the current code did not easily allow and the proposed changes to the Code would allow it. All of the current Redevelopment Area Commercial Zone Districts would be combined into one district, the RA/DC, Redevelopment Area/Downtown Core.

Mr. Eastman explained other changes to the Zoning Code involved the different zoning districts, specifically, the M-1 and M-2 District. It was being proposed to limit commercial development in the industrial areas. One recommendation was to add a statement, that "Commercial Retail can only be located if the underlying land use is a mixed use that has commercial activity already and/or the employment." Other changes involve the zoning classification for a master planned community, such as Aliante. They were required later to come in to rezone for MPC/R-1, MPC/C-1, which was the same standard proposed for Park Highlands, but when a development agreement was approved with the land use plan included in the development agreement, it was understood, that the City had already entered into an agreement that those were the land uses that would be used; therefore, making them come back to rezone the property multiple times, when Staff was going to be handcuffed to recommend approval if it matched the development agreement, did not make sense. So, Staff was proposing to change from MPC to Planned Community District and when an applicant submits a land use plan, and it is approved with a development agreement, that would be the overriding document. It would then be treated as a large PUD. The proposed change would make it easier for the developer, as they would not need to come back before the Commission multiple times and it would help speed up development on a master planned community.

Mr. Eastman explained another change was in conformance with some of the requests from Clark County Department of Aviation and Nellis Air Force Base and was in keeping with the Clark County Code. It was adopting an Air Terminal Environs Overlay (AE). The existing map being used, was an older map that did not have the noise contours of the F-22 which was the current plane flying at Nellis Air Force Base. It also shows the accident potential zones for Nellis Air Force Base and the small runway protection zones at the end of North Las Vegas Airport. The only one affecting development was the small sliver that crossed Cheyenne Avenue. The other major change from the existing code was relatively minor. It added some noise attenuation at the 60 decibel level, which currently was at 65. New development would be required to comply with some noise attenuation at those levels.

Mr. Eastman explained use tables were included which were use friendly. The table consolidated use types into a single table which clearly illustrated where and how each use was permitted in each zone district. The number of conditional uses were expanded, so less special uses would be heard by the Commission.

There were some changes to non-conforming uses and non-conforming structures, which affects the developed portion of the City. Currently, the regulations for non-conforming uses and structures was the same. If a building was destroyed or remodeled with 50% of its assessed value, it must be brought into compliance, which was okay with non-conforming uses. If the use was not wanted, then a stricter standard should apply; but, if the use was acceptable and was a non-conforming structure, the building could be remodeled and upgraded up to 75% of the value without having to request any waivers.

Mr. Eastman explained currently the Design Standards were the Commercial, Industrial and then there was a list for each land use category. In the new Code, they were being grouped together so all of the landscaping requirements would be in one landscaping section and all of the parking requirements would be in one parking section. In the new Code the required amount of parking would be reduced, as many uses in the City were over parked. Also, maximums were being proposed, which was 125% of the required amount. The commercial developers, who develop shopping centers, were not a fan of the maximum as it was felt to be too low and the minimums were too high.

Mr. Eastman stated more pervious pavement and pavers were being encouraged to allow more retention of water on site and to prevent run-off and pollution.

There are standards for mobility and circulation. The big issue was connectivity. Las Vegas and Henderson both have connectivity standards and the one being proposed for the City of North Las Vegas was similar to both. The City of Las Vegas allows pedestrian linkages to count and Henderson does not and the City of North Las Vegas allows pedestrian linkages to count if they were going somewhere, as to a trail or to an existing perimeter sidewalk. Other than that, the standards are similar to Las Vegas and Henderson. The connectivity standard is a link and a node. A node is a cul-de-sac or intersection and the link is the road that connects the two. The City was looking for more linkages and less nodes, which would create neighborhoods that were better connected so we were not relying totally on the arterial streets and could create more pedestrian and road connections. The home builders were not big fans of connectivity. The connectivity index had declined and the City was proposing an index of 1.3,

New landscaping standards were being proposed. The current Design Standards required 20 feet of landscaping for industrial and commercial development and most residential development required a 20 foot perimeter landscaping around the neighborhood. With the proper plantings, you could get the buffer the City wanted and needed with less property. Staff would like to reduce the buffer to 10 feet for industrial, 15 feet for commercial and

with residential, it would be a sliding scale based upon the size of the street, which was approximately five feet less in width than what was currently used. The same number of trees were required but the 60% ground coverage was being reduced to 50%.

In the downtown Redevelopment Area, instead of having landscaping between the sidewalk and the building, developers were being encouraged to use pedestrian plaza areas that would have street furniture, street trees, but a lot more hardscape, which should be more inviting and allowing that to count as the perimeter landscaping, which would increase the size of the sidewalk functionality and add seating in some other areas, which would be better for the downtown area.

The Design Standards for single-family and two-family homes were relatively similar to what was in existence. Staff was requesting a landscaped street similar to the small lot design standards. There was also a requirement being proposed that would reduce the garage dominated streets, requiring 25% of all the lots to use an alternative means. The alternative was not as drastic as Henderson. It would either be side loaded garages or a deeper set-back garage, so it would be more like homes seen in the 20's, 30's and 40's, where the garage was set-back, so it did not dominate the street as much as home do currently. A break in the wall plane was also being required. Currently, the walls were plain with split faced block with pilasters every so many feet and instead, we were trying to get a complete break in the wall every 150 feet, which could be either off-set, and with that the developer could count it as part of the landscaping or they could install view fencing or provide plantings to encourage them to help break up the wall, so it was not completely dominated by the wall. We were trying to create a break so there was more visibility in the neighborhood, so it looked more open and inviting and also conformed to CPTED principles. Also, at the breaks, it was a logical place to put in a pedestrian access, which was being requested and would earn points for connectivity.

Mr. Eastman explained In multi-family developments there were some minor changes. The biggest change was to the village concept, where the buildings would be wrapped around small little parking lots. It has been expanded to add some separate architectural schemes. There must be a couple different themes to bring more visual interest and provide more of a community feeling in a smaller scale.

To help with density, in apartment complexes, a lower density product was being required along the edge of the project, which would be more in keeping with the neighboring properties and would provide buffering for predominantly single-family homes.

Mr. Eastman stated for the most part, the Commercial Standards were okay and most developers did not have a problem with them. With the amended changes to the perimeter landscaping previously discussed, we would reduce or provide some relief. Many times people requested a waiver of the building orientation at the corner because they wanted a row of parking and it usually got approved. Staff understands that having one row of

parking in front of a pad building was okay; but he explained the building orientation was designed to prevent the field of parking from the street, with the large box set-back a few hundred feet. There were some minor tweaks with building design, but the biggest change was allowing the one row of parking.

The Industrial Standards, for the most part, were relaxed slightly, mostly to try to keep pace with building materials. Commercial developers felt it was very restrictive and asked if concrete tilt-up was allowed and were informed they were. Some wording was amended to allow more alternative building materials as long as they met the design and they were receptive to the change.

Mr. Eastman explained the last item was the most controversial which was the sustainability requirement. All development under the Code would need to comply with sustainability and there were seven broad categories, storm water management, health and safety, urban design, transportation, and waste. The intent was to try to reduce the footprint and to make development less intrusive than what was currently being done. The requirement was that any development provide 20 points in five of the seven different categories. Theoretically, if someone built a LEED certified building and complied with everything requested, they could get 120 points. Also, with a small section in sustainability, included solar shielding or shading, which required the commercial developers and commercial buildings to provide solar shade so that the building entries had more shade, was cooler, easier to keep cool and should reduce energy costs.

Chairman Dilip Trivedi was concerned comments he submitted were not taken into consideration. He was assured by Mr. Eastman some of his comments, especially regarding sustainability, were incorporated, at least to some extent. A number of changes were made based on what was provided by the consultant and comments from the various stakeholder groups to try to garner as much support as possible. Some changes were made as a best compromise.

Mr. Eastman explained it was expected that after the adoption of the new Code, there would be things found that needed to be changed. The proposed Code should not immediately need a major revision or have things that were obsolete. There were things that could change rapidly, but Staff had tried to adapt and make the Code as forward looking as possible.

Director Fiori pointed out the proposed Code was the first major update and re-write of the City of North Las Vegas Zoning Code since 1988 when it was new. There were some changes made in the mid 1990's and there would always be minor modifications and amendments made, based on how changes in development patterns, business patterns, requests in terms of policy changes that come about, either through the Planning Commission, the development community, the citizens and City Council. The only other

major change, would have been in 1999 or 2000, when the Design Guidelines were adopted. He explained the proposed Code was in some ways a departure from what was being used and in some ways keeping a lot of what was being used, because there were many things in the current Code that work okay in regards to development; but, there were things that were happening that the City was trying to incorporate into the proposed Title 17 that were more in keeping with sustainability, being good stewards of the environment, trying to build good communities and allow people to be integrated into those communities. In any document put together over a four year period, there was always the political side of it that gets taken into effect in trying to come up with a Code that could make everybody happy, which was not easy. He pointed out there were two members in attendance from the Redevelopment Advisory Committee and welcomed their comments. Director Fiori indicated notice was sent to them regarding the work session, as there were some items in Title 17 that would improve the ability to do redevelopment in the downtown area and were looking for support from the Redevelopment Advisory Board.

Cheri Hickman and Al Greer came forward. Ms. Hickman stated she was Chair Person of the Economic Redevelopment Advisory Committee and was happy to see the changes in the Code, because simple was better and she had heard some business people complain about how hard it was to get through all of the hoops.

Mr. Greer felt they were in a unique situation in this regard. He heard someone comment on the state of the economy, after every recession an increase follows and the city of North Las Vegas had to be progressive to position themselves, so when the economy turned around, people were in a position to take advantage of it, whether small, medium or large businesses and the City had done everything right to make it attractive for them to come to the City.

Ms. Hickman stated suggestions had been made to find a way to attract visitors and tourists to stay in North Las Vegas.

Chairman Trivedi agreed, something needed to be done to attract visitors to North Las Vegas, but at this time, there was nothing in North Las Vegas to attract tourists.

Commissioner Jo Cato stated that probably went back to Economic Development and the agreement the City recently signed with a consulting firm. Hopefully that would be incorporated in their study for a half million dollars.

Chairman Trivedi asked if the code was still a euclidean code, where one zone was separated from another. Director Fiori responded it was, for the most part, standard euclidean zoning. The City has not yet gone to a performance based zone and explained some municipalities had tried it, but he did not know how successful they had been. North Las Vegas was working on a form-based code or a performance based code at this time and was not sure where they were in the process.

Mr. Eastman pointed out a form based code was discussed with the consultants initially and the consultant had the idea that the code would have been more of form-based code than what we had, but it was ended early on by the meetings they had with the Focus Group and the stakeholders when they did the initial interviews of the Council, City Management and the citizen advisory groups and business community. At that time, there was not a lot of desire to go to a strictly form-based code. They wanted more control that the euclidean zoning provides.

ACTION: PRESENTATION GIVEN

PUBLIC FORUM

There was no public participation

DIRECTOR'S BUSINESS

Community Development Director Frank Fiori reminded the Commission there would be a Focus Group Meeting and also a Special Planning Commission Meeting March 30, 2011 on the new Title 17 and, if approved by the Commission, it would be forwarded to the May 4, 2011 City Council meeting.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 8:03 p.m.

APPROVED: April 13, 2011

/s/ Dilip Trivedi
Dilip Trivedi, Chairman

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