

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

August 10, 2011

BRIEFING

5:45 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 Steve Brown

ROLL CALL: Chairman Steve Brown - Present
Vice-Chairman Dilip Trivedi - Present
Commissioner Dean Leavitt - Present
Commissioner Jay Aston - Present
Commissioner Laura Perkins - Present
Commissioner Sylvia Joiner-Greene - Present

STAFF PRESENT: Frank Fiori, Community Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Nicole Hunt, Utilities Department
Quang Phan, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Vice-Chairman Dilip Trivedi

PUBLIC FORUM

There was no public participation.

NEW BUSINESS

1. **AMP-03-11 (43433) COLONIAL GRAND @ AZURE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COLONIAL REALTY LP, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED USE COMMERCIAL TO MULTI-FAMILY RESIDENTIAL (UP TO 25 DU/ACRE). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013, -014 AND -015. (FOR POSSIBLE ACTION)**

Item Nos. 1 and 2 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained the property was currently zoned MUD, which was a mixed use development approved prior to adoption of the Mixed Use land use designations. The property was a test piece under the draft Mixed Use Design Guidelines and was approved as a horizontal mixed use development, which included 337 multi-family units and approximately 132,000 feet of commercial space. The applicant was proposing to amend the Comprehensive Plan to multi-family. Under the Comprehensive Plan, Multi-family designation should be considered in areas that were a major arterial and in this case, Lamb Boulevard was a 120 foot wide arterial and Tropical Parkway was a 100 foot wide arterial. Multi-family should also be located near commercial and employment uses and though the property to the east and west was already developed as single family and a portion of the property to the south was developed as single family and was currently under development as single family, the property directly to the south and southeast and also north and northeast were all designated as commercial. The property to the north had a casino and gaming enterprise district approved. Staff believed the proposed amendment met those provisions and was supporting the amendment to the Comprehensive Plan and the rezoning. Nineteen cards were received in opposition to the amendment to the Master Plan and two cards with comments as follows: One card indicated "need park for growing kids, basketball courts, trees, places to sit and relax" and the second card indicated "enough Section 8 housing in North Las Vegas". On the Rezoning there were 15 cards in opposition and two cards with the same notes as for the AMP and there were two cards in support of the rezoning. Staff was recommending approval of AMP-03-11 and ZN-01-11.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation and explained the project, as it was originally approved, consisted of the two high density residential portions with three and four story buildings ranging in height from 53 feet to 42 feet high. The applicant owned a portion of the development and the

remainder had been owned by Montecito who did the entire project in conjunction with Colonial at one point and Montecito was no longer in existence. The project was now owned by the bank and the applicant was seeking to acquire it from the bank. Colonial was proposing to convert the entire project to a two story garden apartment project as opposed to the three and four story buildings with the commercial. The plan proposed an increase in units at a substantially lower density, which would be approximately 13 ½ units per acre. Due to the low density, they were able to put in a substantial amount of open space with park and play area and also a trail around the entire perimeter with a double row of trees and there were two pool areas. He pointed out the complex was a gated community and he had a meeting with the neighbors and those who attended the meeting did not realize the property was already zoned for apartments and with the exception of one person, the thought the project was a great addition to the neighborhood or thought it was a better alternative than what was currently proposed. Mr. Garcia agreed to continue to the site plan for 30 days to work out the final details, which primarily related to parking along with a few other minor issues.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins asked Mr. Garcia to elaborate on the amenities.

Mr. Garcia explained because the density was less, they were able to provide more open space than on the previous plan.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

2. **ZN-01-11 (43434) COLONIAL GRAND @ AZURE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COLONIAL REALTY LP, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013, -014 AND -015. (FOR POSSIBLE ACTION)**

The following was carried forward from Item No. 1.

Item Nos. 1 and 2 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained the property was currently zoned MUD, which was a mixed use development approved prior to adoption of the Mixed Use land use designations. The property was a test piece under the draft Mixed Use Design Guidelines and was approved as a horizontal mixed use development, which included 337 multi-family units and approximately 132,000 feet of commercial space. The applicant was proposing to amend the Comprehensive Plan to multi-family. Under the Comprehensive Plan, Multi-family designation should be considered in areas that were a major arterial and in this case, Lamb Boulevard was a 120 foot wide arterial and Tropical Parkway was a 100 foot wide arterial. Multi-family should also be located near commercial and employment uses and though the property to the east and west was already developed as single family and a portion of the property to the south was developed as single family and was currently under development as single family, the property directly to the south and southeast and also north and northeast were all designated as commercial. The property to the north had a casino and gaming enterprise district approved. Staff believed the proposed amendment met those provisions and was supporting the amendment to the Comprehensive Plan and the rezoning. Nineteen cards were received in opposition to the amendment to the Master Plan and two cards with comments as follows: One card indicated "need park for growing kids, basketball courts, trees, places to sit and relax" and the second card indicated "enough Section 8 housing in North Las Vegas". On the Rezoning there were 15 cards in opposition and two cards with the same notes as for the AMP and there were two cards in support of the rezoning. Staff was recommending approval of AMP-03-11 and ZN-01-11.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation and explained the project, as it was originally approved, consisted of the two high density residential portions with three and four story buildings ranging in height from 53 feet to 42 feet high. The applicant owned a portion of the development and the remainder had been owned by Montecito who did the entire project in conjunction with

Colonial at one point and Montecito was no longer in existence. The project was now owned by the bank and the applicant was seeking to acquire it from the bank. Colonial was proposing to convert the entire project to a two story garden apartment project as opposed to the three and four story buildings with the commercial. The plan proposed an increase in units at a substantially lower density, which would be approximately 13 ½ units per acre. Due to the low density, they were able to put in a substantial amount of open space with park and play area and also a trail around the entire perimeter with a double row of trees and there were two pool areas. He pointed out the complex was a gated community and he had a meeting with the neighbors and those who attended the meeting did not realize the property was already zoned for apartments and with the exception of one person, the thought the project was a great addition to the neighborhood or thought it was a better alternative than what was currently proposed. Mr. Garcia agreed to continue to the site plan for 30 days to work out the final details, which primarily related to parking along with a few other minor issues.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins asked Mr. Garcia to elaborate on the amenities.

Mr. Garcia explained because the density was less, they were able to provide more open space than on the previous plan.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

3. **SPR-09-11 (43435) COLONIAL GRAND @ AZURE. AN APPLICATION SUBMITTED BY COLONIAL REALTY LP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 438 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013,-014 AND -015. (FOR POSSIBLE ACTION)**

It was requested by the applicant to continue SPR-09-11 to September 14, 2011.

ACTION: CONTINUED TO SEPTEMBER 14, 2011

MOTION: Commissioner Aston

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

4. **UN-74-05 (43430) NITREX, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NITREX INC. ON BEHALF OF 5599 LLC, PROPERTY OWNER, TO AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW 1,500 GALLONS OF HAZARDOUS MATERIAL (AMMONIA) WHERE 1,000 GALLONS ARE APPROVED. THE PROPERTY IS LOCATED AT 201 EAST MAYFLOWER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-615-025. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant currently had a use permit allowing 1,000 gallons of anhydrous ammonia and was proposing to expand the storage by an additional 500 gallons. In reviewing the application, Staff and the Fire Department had no objection to the use and were recommending approval of UN-74-05 and that it be forwarded to City Council for final consideration 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. The maximum capacity of the tank shall not exceed 1,500 gallons of anhydrous ammonia.
3. That subsequent expansions or additions to the use of hazardous materials shall be subject to Planning Commission and City Council review and approval.
4. A two hour fire resistive wall without openings extending not less than 30 inches above and to the sides of the ammonia tank shall be constructed between the tank and any property line located within 20 feet of the tank.

Mike Sisson, representative for Nitrex, 123 South Pateo Woods, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation and explained they relocated from Mason, Michigan with the intent to make this their corporate offices. The business was expanded to run on a larger scale than anticipated, so they were adding the extra ammonia tank for efficiency purposes.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dilip Trivedi asked to see an aerial view of the site.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

5. **UN-59-11 (43392) DORRELL COMM SITE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TURN-KEY TELECOM, LLC ON BEHALF OF LAACO LTD, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO CONVERT A SINGLE TOWER FACILITY TO A MULTIPLE TOWER FACILITY CONSISTING OF ONE (1) 100 FOOT TELECOMMUNICATION TOWER AND ONE (1) 90 FOOT TELECOMMUNICATION TOWER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DORRELL LANE AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-101-014. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant had already received the Commission's approval to install one telecommunications facility with a 100 foot tall monopalm tower and were requesting to add another monopalm to the facility, which would make it a multiple tower facility under the current rules. The applicant complies with the separation requirements from other such facilities and it appeared the applicant would have additional equipment that would be located within the existing wall, so would not be expanding that area. Staff had no objections and was recommending approval of UN-59-11 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. That both towers shall be monopalm in design.
3. One (1) tower shall not exceed 100 feet in height; one (1) tower shall not exceed 90 feet in height.
4. All antenna arrays shall be flush mounted and comply with the stealth design requirements.
5. Microwave dish antennas are prohibited.
6. Additional equipment shall be located within the confines of the decorative block enclosure.
7. The equipment sheds shall be constructed of decorative block, stone or stucco because they exceed the height of the enclosed wall.

Debbie DePompei, Turn-Key Telecom LLC, 8432 Justine Court, Las Vegas, NV 89128 appeared on behalf of the applicant explaining originally the plan was to build the site as a multiple tower facility with two palm tree towers, but when they learned both towers would

have to be built at the same time, the application was withdrawn and they applied for a single tower facility. Since that time, AT&T had located on the 100 foot tower, Cricket had been approved to flush mount antennas below AT&T and they had received interest from Sprint/Nextel and Metro PCS to locate on the 90 foot tower, which was why they were converting to a multi-tower facility and concurred with Staff recommendations.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

6. **VAC-05-11 (43427) NELLIS CORNER, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NELLIS CORNER, LLC, PROPERTY OWNER, TO VACATE THE SOUTHERLY 10 FOOT PORTION OF CRAIG ROAD, COMMENCING AT LAMB BOULEVARD AND PROCEEDING WEST APPROXIMATELY 212 FEET. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-611-005 AND -006. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained there were no Staff concerns with the request; therefore, Staff was recommending approval of VAC-05-11 and that it be forwarded to City Council for final consideration with the following conditions:

1. The Order of Vacation shall record within one year from the approval date or the vacation shall be deemed null and void.
2. A public utility easement shall be established over the vacated area.

David Turner of Baughman & Turner, 1210 Hinson Street, Las Vegas, NV 89107 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

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

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

7. **UN-58-11 (43314) MOBILE TECH FLEET SERVICE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MOBILE TECH FLEET SERVICE ON BEHALF OF TRUST THIRTEEN & BUETTNER HUNTER P&J CO-TRUST, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 3824 LOSEE ROAD, SUITE "B". THE ASSESSOR'S PARCEL NUMBER IS 139-11-504-006. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained previously a use permit was approved for the same building in Suite A, which was also 3,000 square feet, so this was the second use in the building. The applicant received Commission approval in 2001 to do auto repair out of the building; however, at that time, decided not to follow through on the use permit and opened a shop on Colton Avenue. The applicant has now decided to come back to the proposed site and were already operating out of the facility and Business License was requiring them to comply with the requirements of the use permit. Staff had no objections; however, noticed there were four parking spaces for the use that were being used for storage of vehicles, which was prohibited. There was a small storage area adjacent to the building where the vehicles could be stored, which was a condition of approval. One card was received in support of the application. Staff was recommending approval of UN-58-01 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That all work shall be performed within the building.
3. All vehicles awaiting repair shall be properly screened as required by Title 17.
4. Vehicles awaiting repair shall not be stored within the required parking spaces.

Steve Hafen, 6071 Hale Haven Drive, Las Vegas, NV appeared on the application indicating he concurred with Staff recommendation and indicated they did have a storage lot behind the facility, where they would park the vehicles awaiting repair.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

8. **SPR-15-07 (43316) DEER SPRINGS & NORTH 5TH PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT, INC. ON BEHALF OF CAMDEN OPERATING LP, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT CONSISTING OF 214 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-601-005. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the application was originally approved in 2007 and with that approval, they received a waiver to allow a reduction in the off-street parking from the required 428 spaces to 363. The applicant was requesting an extension of time which would be the fourth extension for this application. The site plan had not changed since the original approval and the waiver was still in place. Staff was not supporting the proposed extension of time, because they do not support the waiver to allow the reduction in parking. Staff does not feel bus rapid transit along North 5th would be developed within the next 10 years, according to RTC's current projections; therefore, the reduction in parking was not warranted, as development of the multi-family units would create a need for additional parking that would not be available on site and without the bus rapid transit to help alleviate some of the need for parking, it was felt all the parking should be in place. Public Works was requesting the development be phased in and that all the parking be provided and as bus rapid transit was developed, then additional units could be built. Staff was recommending denial of SPR-15-07; however, should the Commission determine approval was warranted, the following conditions were recommended:

1. An additional five (5) feet of right-of-way must be dedicated along North 5th Street near Deer Springs Way per the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
2. An additional five (5) feet of right-of-way must be dedicated along Deer Springs Way at North 5th Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 to construct a flared intersection.
3. Right-of-way dedication and construction of a CAT bus turn-out is required on Deer Springs Way west of North 5th Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
4. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.

5. A conforming site plan, incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works, and the Department of Planning and Zoning, prior to submittal of the drainage study and final map.
6. A queuing analysis is required.
7. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
8. Full half street construction is required for the area of North 5th Street adjacent to the development. The City also requires a minimum of two twelve-foot lanes of travel and six feet of shoulder on the west side of North 5th Street adjacent to parcels 124-22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane a Centennial and North 5th Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

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

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

9. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

10. All development along North 5th Street shall provide a minimum twenty foot landscape area/common element adjacent to the right-of-way.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street, Dorrell Lane and Deer Springs Way.
12. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
13. All public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. Extension of the Clark County Regional Flood Control District facility along the North 5th Street frontage is required.
15. Approval of a drainage study is required prior to submittal of the civil improvement plans.
16. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
17. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
18. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
19. The developer is responsible for acquiring any roadway, drainage or utility easements needed to construct the project.
20. The property owner is required to grant a roadway easement for commercial driveway(s).
21. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.

22. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
23. The developer shall provide a thirty-three (33) foot over-pave beyond the centerline of Deer Springs, from North 5th Street to Goldfield Street.
24. A revocable encroachment permit for landscaping within the public right of way is required.
25. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
26. A minimum landscape area of five feet in width, within a common lot, must be provided behind the proposed bus turn-out.
27. The emergency access location(s) for the project shall not be located on North 5th Street.
28. Emergency access driveways shall be constructed per *Clark County Area Uniform Standard Drawing No. 226*.
29. The project shall be developed in a phased approach and a new site plan shall be provided. The first phase of development shall provide the current required amount of parking spaces corresponding with the number of units being proposed for construction. When rapid transit service is established, the second phase can include the additional units.
30. Prior to submittal of the final map and civil improvement plans, five (5) copies of a Conforming Site Plan incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works and the Planning and Zoning Department.
31. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

32. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents.
 - b. Balcony areas which are a minimum of 40 square feet in size.
 - c. Patio areas which are a minimum of 80 square feet in size.
 - d. Landscaped buffers a minimum of 10 feet in width along all interior property lines, which shall be provided with 36" box trees spaced not greater than 20 feet on and 80% ground coverage..
 - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
 - f. All required landscaping between the public streets and the perimeter wall or view fence.
 - g. No building greater than one story within 35 feet of the western or northwestern property lines, with the exception of the building located adjacent to Deer Springs Way and nearest to the westerly property line shall maintain a 15-foot setback for the residential building.
 - h. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
 - i. No utility panels shall be visible from adjacent rights-of-way or properties.
 - j. Clearly defined parking areas with no more than 80 spaces per area.
 - k. Site design that encourages and allows for easy/convenient pedestrian access to North 5th Street, Dorrell Lane, Deer Springs Way and public transportation.
 - l. One trash collection facility within 300 feet of each unit shall be provided if Clark County Health District, City of North Las Vegas Environmental, or Republic Services does not approve the proposed garbage collection plan.
33. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
34. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
35. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.

36. A decorative block wall, between six and eight feet in height, is required along the western property line.
37. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
38. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.
39. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the civil improvement plans.
40. The SPR-15-07 will be null and void after June 6, 2012.
41. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
 1. Circuitous lighted paths and fitness course;
 2. A minimum of twenty 24-inch box trees per acre;
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
 4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
 5. A minimum of one fitness facility;
 6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
 7. At least one large open space area for group/organized play;
 8. Benches spaced along pathways;
 9. Bicycle racks at 1-2 different locations;
 10. Dog stations at grassy areas;
 11. ADA accessibility; and
 12. Details of amenities to be provided.

42. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
43. Fire access lanes shall be located in accordance with Fire Code requirements.
44. Fire access lanes shall be designed in accordance with Fire Code requirements.
45. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
46. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he would present Item Nos. 8 and 9 together. He explained the extension of time was necessary due to the economy. Camden Development was one of the largest multi-family developers in Southern Nevada with over 80,000 units within the Las Vegas Valley. When the waiver of the parking requirements was approved, there were three elements to the approval; one was the justification of just allowing them to come in for a waiver because they were within a quarter of a mile of a proposed light rail transit or bus transit area; the second issue was because, at the time and it still holds true today, the code itself in North Las Vegas was more stringent than other jurisdictions who have other parking requirements for multi-family developments; and the third reason was the fact they hired a professional traffic engineer to do parking counts which were done for all jurisdictions in the Valley because Camden had developments in those areas. The parking analysis, which was approved by the Traffic Division of North Las Vegas, showed North Las Vegas had an overabundance of parking. Camden was still holding the property and their intent was to develop the property when it was economically feasible. Mr. Gronauer understood the newly adopted Code would allow for a two year extension and asked that it be applied to the current request and also requested Condition Nos. 29 and 30 be deleted and Condition No. 40 be amended to read: "That SPR-15-07 will be null and void after June 6, 2013".

Commissioner Jay Aston asked the applicant if he had reviewed the conditions and was in support of the extension of time for two years. He did not recall how the parking study was tied into the North 5th Street corridor or whether or not it was tied into looking at the whole valley, which was what he recalled.

Commissioner Dean Leavitt concurred with Commissioner Aston and recalled parking was discussed, but at the time, the parking study had general merit within apartment dwellings and it was a benefit that it was close to North 5th Street and was in support of the parking waiver and granting of a two year extension of time.

Vice-Chairman Dilip Trivedi concurred with other comments and was in support of the parking waiver as it may be a catalyst to transit and asked if there would be a new site plan presented in two years.

Mr. Gronauer responded the applicant was in the process of reviewing what type of product to use and if they determined another product was more suitable, they would come in with a new site plan. The market would determine the product type.

Commissioner Laura Perkins would like to see the project built in phases and asked how long the project would take.

Mr. Gronauer responded building in phases would shut them down. They were going to build the complete project and explained to phase five acres would not be helpful to the developer or the development itself.

Commissioner Perkins asked how long it would be before the project came to fruition.

Mr. Gronauer responded two years was more optimistic than one year, but the market and the economy would make the ultimate determination.

Chairman Steve Brown asked Staff how they felt about the applicant's requested changes to Condition Nos. 29, 30 and 40.

Mr. Eastman responded Condition Nos. 29 and 30 were requested by Public Works and they were requiring the phased development. Condition No. 40 was for the two year extension, which was allowed by the newly adopted Code, which Staff was supporting and deferred comment for Condition Nos. 29 and 30 to Public Works.

Eric Hawkins of Public Works explained phasing was being requested by Staff, but it was up to the Commission's discretion.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 29 AND 30 AND CONDITION NO. 40 AMENDED TO READ:

40. THAT SPR-15-07 WILL BE NULL AND VOID AFTER JUNE 6, 2013.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

9. SPR-16-07 (43317) DEER SPRINGS GOLDFIELD PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT, INC. ON BEHALF OF CAMDEN OPERATING LP, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 214 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-011. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained this was similar to Item No. 8 and all comments made on Item No 8 are carried forward to this item. Based on comments made during the motion, the amendments needed on this application would be to delete Condition Nos. 21 and 22 and amend Condition No. 34 to read: "That SPR-16-07 will be null and void after June 6, 2013". The original recommended conditions are as follows:

1. Approval of a traffic study is required prior to submittal of the civil improvement plans.
2. A queuing analysis is required.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
5. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
6. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. 40' on Deer Springs Way
 - b. 30' on Goldfield Street
 - c. associated spandrels

8. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Full width temporary pavement is required to be constructed on Deer Springs Way from the northeast corner of the property to North 5th Street.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Road.
12. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
17. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
18. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
19. All off-site improvements must be completed prior to final inspection of the first building.
20. Full half street construction is required for the area of North 5th Street adjacent to the development. The city also requires a minimum of two twelve foot lanes of travel and six feet of shoulder on the west side of North 5th Street adjacent to

parcels 124-22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane at Centennial and North Fifth Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

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

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

21. The project shall be developed in a phased approach and a new site plan shall be provided. The first phase of development shall provide the current required amount of parking spaces corresponding with the number of units being proposed for construction. When rapid transit service is established, the second phase can include the additional units.
22. Prior to submittal of the final map and civil improvement plans, five (5) copies of a Conforming Site Plan incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works and the Planning and Zoning Department.
23. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
24. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents

- b. Balcony areas which are a minimum of 40 square feet in size.
 - c. Patio areas which are a minimum of 80 square feet in size.
 - d. Landscaped buffers a minimum of 10 feet in width along the eastern side of the development and the southern property lines.
 - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
 - f. All required landscaping between the public streets and the perimeter wall or view fence.
 - g. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
 - h. No utility panels shall be visible from adjacent rights-of-way or properties.
25. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
26. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
27. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.
28. If VAC-03-07 is not approved, the site plan must be redesigned to include Engel Avenue, a 60-foot right-of-way.
29. A wrought iron fence is allowed along the eastern property line.
30. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
31. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.
32. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the civil improvement plans.

33. Pedestrian access shall be provided to any pedestrian access easement or right-of-way adjacent to the southern property line, if a suitable alternative is not approved by the Planning and Zoning Department.
34. That SPR-16-07 will be null and void after June 6, 2012.
35. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
 1. Circuitous lighted paths and fitness course;
 2. A minimum of twenty 24-inch box trees per acre;
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
 4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
 5. A minimum of one fitness facility;
 6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
 7. At least one large open space area for group/organized play;
 8. Benches spaced along pathways;
 9. Bicycle racks at 1-2 different locations;
 10. Dog stations at grassy areas;
 11. ADA accessibility; and
 12. Details of amenities to be provided.
36. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
37. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
38. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)

39. At least 2% of all 1st level units in all multi-family buildings are required to be type "A" accessibility units and rest of 1st level units shall be type "B". Type "A" and type "B" units shall comply with the provisions of IBC 2006 and ICC/ANSI A117.1-2003.

The following comments were carried forward from Item No. 8:

The application was presented by Robert Eastman, Principal Planner who explained the application was originally approved in 2007 and with that approval, they received a waiver to allow a reduction in the off-street parking from the required 428 spaces to 363. The applicant was requesting an extension of time which would be the fourth extension for this application. The site plan had not changed since the original approval and the waiver was still in place. Staff was not supporting the proposed extension of time, because they do not support the waiver to allow the reduction in parking. Staff does not feel bus rapid transit along North 5th would be developed within the next 10 years, according to RTC's current projections; therefore, the reduction in parking was not warranted, as development of the multi-family units would create a need for additional parking that would not be available on site and without the bus rapid transit to help alleviate some of the need for parking, it was felt all the parking should be in place. Public Works was requesting the development be phased in and that all the parking be provided and as bus rapid transit was developed, then additional units could be built. Staff was recommending denial of SPR-15-07.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he would present Item Nos. 8 and 9 together. He explained the extension of time was necessary due to the economy. Camden Development was one of the largest multi-family developers in Southern Nevada with over 80,000 units within the Las Vegas Valley. When the waiver of the parking requirements was approved, there were three elements to the approval; one was the justification of just allowing them to come in for a waiver because they were within a quarter of a mile of a proposed light rail transit or bus transit area; the second issue was because, at the time and it still holds true today, the code itself in North Las Vegas was more stringent than other jurisdictions who have other parking requirements for multi-family developments; and the third reason was the fact they hired a professional traffic engineer to do parking counts which were done for all jurisdictions in the Valley because Camden had developments in those areas. The parking analysis, which was approved by the Traffic Division of North Las Vegas, showed North Las Vegas had an overabundance of parking. Camden was still holding the property and their intent was to develop the property when it was economically feasible. Mr. Gronauer understood the newly adopted Code would allow for a two year extension and asked that it be applied to the current request and also requested Condition Nos. 29 and 30 be deleted and Condition No. 40 be amended to read: "That SPR-15-07 will be null and void after June 6, 2013".

Commissioner Jay Aston asked the applicant if he had reviewed the conditions and was in support of the extension of time for two years. He did not recall how the parking study was tied into the North 5th Street corridor or whether or not it was tied into looking at the whole valley, which was what he recalled.

Commissioner Dean Leavitt concurred with Commissioner Aston and recalled parking was discussed, but at the time, the parking study had general merit within apartment dwellings and it was a benefit that it was close to North 5th Street and was in support of the parking waiver and granting of a two year extension of time.

Vice-Chairman Dilip Trivedi concurred with other comments and was in support of the parking waiver as it may be a catalyst to transit and asked if there would be a new site plan presented in two years.

Mr. Gronauer responded the applicant was in the process of reviewing what type of product to use and if they determined another product was more suitable, they would come in with a new site plan. The market would determine the product type.

Commissioner Laura Perkins would like to see the project built in phases and asked how long the project would take.

Mr. Gronauer responded building in phases would shut them down. They were going to build the complete project and explained to phase five acres would not be helpful to the developer or the development itself.

Commissioner Perkins asked how long it would be before the project came to fruition.

Mr. Gronauer responded two years was more optimistic than one year, but the market and the economy would make the ultimate determination.

Chairman Steve Brown asked Staff how they felt about the applicant's requested changes to Condition Nos. 29, 30 and 40.

Mr. Eastman responded Condition Nos. 29 and 30 were requested by Public Works and they were requiring the phased development. Condition No. 40 was for the two year extension, which was allowed by the newly adopted Code, which Staff was supporting and deferred comment for Condition Nos. 29 and 30 to Public Works.

Eric Hawkins of Public Works explained phasing was being requested by Staff, but it was up to the Commission's discretion.

Bob Gronauer pointed out on this application, he requested that Condition Nos. 21 and 22 be deleted and clarified that those conditions were not in the original approval and they were also deleted on the last approval. He also requested that Condition No. 34 be amended to allow a to year extension of time. On Condition No. 20, they went above and beyond the development requirements based on the parking approved for the reduction.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 21 AND 22 AND CONDITION NO. 34 AMENDED TO READ:

34. THAT SPR-16-07 WILL BE NULL AND VOID AFTER JUNE 6, 2013.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: Commissioner Joiner-Greene

ABSTAIN: None

10. SPR-10-11 (43446) REPUBLIC SILVER STATE DISPOSAL. AN APPLICATION SUBMITTED BY REPUBLIC SILVER STATE DISPOSAL, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO WAIVE LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED AT 209 WEST CHEYENNE AVENUE, (SOUTHEAST CORNER OF CHEYENNE AVENUE AND COMMERCE STREET). THE ASSESSOR'S PARCEL NUMBER IS 139-15-501-001. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing some improvements on the site where none currently exist. Currently, there was no landscaping adjacent to Commerce Street or Cheyenne Avenue, nor was there a screen wall next to those two streets. The applicant was currently utilizing the property for the storage of vehicles that were used for Republic Silver State and what they were proposing, was to possibly bring in some other vehicles that would be used or fueled with natural compressed gas and were also proposing to install a compressed gas facility at that location. As a result, the applicant was proposing some improvements and were asking to waive the landscaping requirements from 20 feet to 8 feet, which was consistent with what was approved for their transfer facility across the street. Staff had no objection to the waiver as it was closer to being consistent with the newly adopted Title 17 effective October 1, 2011. The applicant also requested the Commission's approval to phase the improvements. They were currently working with NDOT, the City and NV Energy on the location of the block wall, in regards to NV Energy and also the possibility of some additional turn lanes in that area. Rather than installing the landscaping now and possibly having to tear it out once the turn lanes were finalized, the applicant was requesting permission to phase it and Staff had no objection to granting a two year phasing on the improvements for the site, which was added as a condition of approval. Staff was recommending approval of SPR-10-11 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Street landscaping shall be in compliance with the Industrial Development Standards with the exception that landscaping adjacent to Commerce Street and Cheyenne Avenue may be reduced to a minimum of eight (8) feet.
3. The applicant shall install an eight (8) foot high decorative wall behind the perimeter landscaping along Commerce Street and Cheyenne Avenue.
4. The decorative wall and perimeter landscaping adjacent to Commerce Street and the portion of Cheyenne Avenue near the intersection must be installed after off-site improvements are finalized with both the Nevada Department of Transportation (NDOT) and the City of North Las Vegas; and the location of the screen wall is finalized with Nevada Energy; or within two (2) years, whichever comes sooner.

5. The remaining portion of the decorative wall and perimeter landscaping adjacent to Cheyenne Avenue must be installed with the installation of the Compressed Natural Gas (CNG) facility; or with the installation of the decorative wall and perimeter landscaping adjacent to Commerce Street and the portion of Cheyenne Avenue near the intersection; or within two (2) years, whichever comes sooner.
6. A drainage study for the project is required, however, due to the size of the area being developed, this project may be eligible for a drainage study waiver. A presubmittal meeting is required for drainage study waivers. To apply for a drainage study waiver, contact Public Works - Development and Flood Control Division at 633-2771.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation and noted they were still working with NDOT, NV Energy and Public Works Staff and was not sure if the turn lanes would be put in, as it depended on how it would effect the site and the operation they had on the site; but, that was the reason additional time was needed, as it took time for NV Energy and NDOT to figure out where they would be and then install the landscaping, sidewalk and block wall. She agreed to Condition No. 6 and thought they qualified for a drainage study waiver, but would follow the procedures and work with the Public Works Department.

Commissioner Laura Perkins was happy to see any improvement on the corner of Cheyenne and Commerce as it had been a eyesore for a very long time.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

11. **SPR-03-11 (42951) ALIANTE PARCELS 31A, 31B, AND 31C. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN MPC R-1, MASTER PLANNED COMMUNITY SINGLE FAMILY RESIDENTIAL DISTRICT TO ALLOW A WAIVER FROM THE ALIANTE'S CORNER SIDE LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED SOUTH OF NATURE PARK DRIVE EAST OF ALIANTE PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-16-411-002, 124-16-411-005, 124-16-411-025, 124-16-411-031, 124-17-813-012, 124-17-813-013 AND 124-21-112-057, 124-20-513-014, 124-20-513-015, 124-20-513-019, 124-20-513-020, 124-20-513-022, 124-20-513-023, 124-20-513-025, 124-20-513-026, 124-20-513-027, 124-20-513-050, 124-20-513-052, 124-20-513-056, 124-21-112-005, 124-21-112-017, 124-21-112-021, 124-21-112-022, 124-21-112-030 AND 124-21-112-046. (FOR POSSIBLE ACTION) (CONTINUED MAY 11 AND JULY 13, 2011)**

Item Nos. 11 and 12 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting a waiver of the Residential Development Standards in the Aliante Design Guidelines to reduce the corner side lot landscaping requirements where 10 feet was required; specifically, in Aliante, the corner side lots were required to provide one tree every 30 linear feet and then have 50% live ground coverage. The applicant, in these two subdivisions, was requesting waivers for all of their corner side lots that have either already previously been developed, built and sold or the last few that were still under development. The total number of lots was 47 in both subdivisions. The applicant had various levels of compliance, whether it be just crushed rock or in some instances, there were trees and in others there was some amount of trees and ground coverage. The application was continued to allow the applicant time to come up with some type of alternatives. Since, unfortunately, the way the Development Standards and Design Guidelines in Aliante were written, it does not allow much latitude and leeway from Staff's perspective, so Staff was recommending denial of the waiver as it was not in compliance with the single-family Design Guidelines or the Family Village Design Guidelines. Staff was recommending denial of SPR-03-11 and SPR-04-11; however, should the Commission determine approval was warranted, the following condition was recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances, including the Aliante Development Standards and Design Guidelines, with the exception that landscaping shall be provided as depicted in the applicant's letter of intent.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant explaining the entire development consisted of 357 lots and in order for Pardee to complete all of the lots and turn everything over, there were 11 more lots to complete. In working with the inspectors, through the superintendent, a number of the lots were built, finalized and sold; therefore, there was a Certificate of Occupancy, with corner side yard landscaping that varied between trees, no trees, and some locations had some ground cover, but it did not meet Aliante's standards of 50% live ground cover. She explained the reason they could not comply with the requirements, was because the soils report came back and was very specific on what could be done in certain areas; so, they complied with the soils report and worked with the building inspectors at the time and obviously, the majority of all of those homes, with the exception of two, have been sold and all of the lots had been turned into common area and deeded over to the Homeowners Association (HOA) in the conditions described. They were requesting a waiver on all of the lots where they did not comply with Code, including the two where Pardee still had ownership and had not built the lots yet. Recently, it had come up, when the process was started, Pardee Homes turned over the City's application to the Property Manager for the HOA and had not heard there were any problems with it. The HOA was turned over from the developer to the homeowners, as they only have 11 more lots to complete and when the turnover process was done, there was a huge inspection process that happened and there were no issues raised by the HOA with the way the corner side lot landscaping was installed. In order to complete the project and final the last 11 lots, it was required by Planning that the developer get an official waiver for the way the lots were landscaped. Ms. Lazovich explained over the past month she clarified who owned the common lots versus the lots left to be completed, and confirmed they were owned by the HOA, so Pardee could not go onto their property and do anything with the corner side lots. On the two lots Pardee had control of, the soils report indicated on lot #152 trees were appropriate but not ground cover; so they wanted to add trees and 5 large boulders on either side of the trees. On lot #158 they proposed two trees and three boulders. Ms. Lazovich apologized for not meeting with Staff to discuss the addition of the boulders on lot #152 and #158.

Chairman Steve Brown asked if the two remaining lots were part of Item 11 or 12 or split between the two items.

Ms. Lazovich responded she was not sure, as they were done by parcel number.

Chairman Brown asked if legally it was possible for the applicant to apply to change a site plan on property not owned by them.

Deputy City Attorney Bethany Sanchez explained there were applications made by people who were not the property owner and the decisions of the body bind the record title owner of the property.

Chairman Brown asked if they would be a representative in that case.

Deputy City Attorney Sanchez responded not necessarily as they did not always have the landlord show up.

Chairman Brown asked if he were to file a site plan review for a property he did not own, if it would be legal.

Deputy City Attorney Sanchez explained that was part of the long and detailed discussion with the applicant's representative, as this was probably not the preferred technical procedure to get to what the applicant was requesting and for many reasons, the train was down the track, so they were trying to get to a resolution that was as acceptable as possible to the applicant and to Staff. It would have been preferred that the application would have been presented in a way there would not be procedural hurdles.

Chairman Brown asked if the applications could be modified so they only applied to the two uncompleted lots and refer the other lots to the HOA or to the homeowners of the various properties for the corrections to be made.

Deputy City Attorney Sanchez responded that was one of the items discussed and because of the nature of the Development Agreement and how the approvals were tied to the last parcels developed, by only granting the waiver on the two parcels, you leave the others in a place where there was no way the City could go back and make sure the corrections were made and the City was in a bad position of going out with Code Enforcement to issue citations and make them apply for the waivers.

Chairman Brown understood that, but if the Commission determined it was wrong to ask the applicant to go out and fix other people's property and approve the applications, then they approve the whole thing and the City loses out completely.

Deputy City Attorney Sanchez understood there was no real mechanism to bring the HOA in after the applications were approved; so, technically, procedurally, this was the best way to have a uniform waiver on all of the lots. The other concern brought up by Staff, was that if a waiver was approved on two lots and not the others, you may have a subdivision where corner lots look different. It was Staff's recommendation that we move forward and consider the waivers in total as opposed to only the two lots.

Commissioner Jay Aston clarified the vote should be an up or down on all parcels listed.

Deputy City Attorney Sanchez responded that would be Staff's recommendation.

Ms. Lazovich stated this was a difficult spot and from Pardee's standpoint was that they wanted to finish the subdivision, sell the homes and let it be a community with no more development and construction on the inside. They were concerned they would not find themselves in a position where the building permits were held up and they could not finish the development. They needed to find a balance between allowing Pardee to finish their development in a timely manner and understanding the City was looking for compliance with the Design Guidelines and Pardee also had to balance their soils report with what was done on the lots and unfortunately, because of the way litigation was with homeowners and homebuilders, they were reluctant to do anything that was opposite of what was required in the soils report, as it exposed them to possible liability.

Commissioner Dilip Trivedi asked Mr. Eastman to explain what types of landscaping had been done by other developers in the area

Mr. Eastman explained D.R. Horton and Seasons put in their corner side lot landscaping and KB Homes did not put in the corner side lot landscaping in two of their subdivisions and were in a similar situation as Pardee and had sold off the majority of their lots and did not get approval and the models were held so they were required to find a solution. The solution KB Homes came up with was probably expensive as they went back to all of the homeowners who purchased corner lots and paid them some amount of money, put in the landscaping and irrigation system, which was tied to the home. Other developers got caught at the end without their corner side lot landscaping and their last model was held and they had to turn around the next week or two and install it, which was done as they had a different mechanism in place because their final map was a landscape easement that allowed the maintenance and installation of landscaping, so they retained the legal right to install it. In the instance with these applications, it appeared Pardee Homes did not retain that right and the landscape easement allowed the HOA to maintain the corner side lot landscaping; so, Pardee's stance was, since they had already given it to the HOA and had sold the lots, they no longer had the right to go onto the parcel. One developer in the estates could not put in as much irrigation, so they put in desert landscaping that was supposedly drought tolerant and would not need the irrigation to maintain the plants, which failed, as the majority of the plants did not survive. The plants were not established enough to live without the irrigation; so, that subdivision has had continuous problems of having to try to replant in the corner side lots.

Commissioner Trivedi asked Community Service and Development Director Frank Fiori if he had comments on the applications.

Director Fiori agreed with Deputy City Attorney Sanchez that this was not the best process to bring forward to try to resolve the issue, but were at a point where it had been worked through and if the Commission was comfortable, based on what has been heard, then the process could move forward.

Commissioner Laura Perkins felt more comfortable clearing up the lots and not leaving anything undone. The City cannot demand that Pardee go back and negotiate with the HOA and the rocks and trees were an improvement over just the plain rock and also showed the developer was trying to meet the Design Guidelines.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION

MOTION: Commissioner Perkins

SECOND: Commissioner Joiner-Greene

AYES: Chairman Brown, Commissioners Leavitt, Aston, Perkins and Joiner-Greene

NAYS: Vice-Chairman Trivedi

ABSTAIN: None

Ms. Lazovich asked if a condition needed to be added that "on lots 152 and 158, boulders shall be added in between the trees"?

Mr. Eastman responded the condition could be amended to state: "with the exception that landscaping shall be depicted in the applicant's letter of intent and site plans submitted on August 10, 2011".

Chairman Brown asked if there was a request to re-visit the application.

ACTION: RE-OPEN THE VOTE ON SPR-03-11

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Chairman Brown asked what was being amended?

Ms. Lazovich responded there was an amendment to the end of the condition adding an attached exhibit dated August 10, 2011.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH AN AMENDMENT TO THE CONDITION AS FOLLOWS:

1. UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES, INCLUDING THE ALIANTE DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, WITH THE EXCEPTION THAT LANDSCAPING SHALL BE PROVIDED AS DEPICTED IN THE APPLICANT'S LETTER OF INTENT AND SITE PLAN SUBMITTED ON AUGUST 10, 2011.

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

- 12. SPR-04-11 (42953) ALIANTE PARCELS 30A AND 30B. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN MPC R-1, MASTER PLANNED COMMUNITY SINGLE FAMILY RESIDENTIAL DISTRICT TO ALLOW A WAIVER FROM THE ALIANTE'S CORNER SIDE LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF CLAYTON STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-20-512-003, 124-20-512-023, 124-20-513-039, 124-20-512-051, 124-20-512-052, 124-20-512-059, 124-20-512-060, 124-20-613-003, 124-20-613-012, 124-20-613-013, 124-20-613-038, 124-20-613-044, 124-20-613-052, 124-20-613-054, 124-20-613-060, 124-20-613-063, 124-20-613-067, 124-20-613-077, 124-20-613-078, 124-20-613-087, 124-20-613-088 AND 124-20-613-097. (FOR POSSIBLE ACTION) (CONTINUED MAY 11 AND JULY 13, 2011)**

Mr. Eastman stated Lot No. 152 and Lot No. 258 were included in Item No. 11, so there would not be an amendment to the condition in Item No. 12. Should the Commission determine approval of SPR-04-11 is warranted, the following condition is recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances, including the Aliante Development Standards and Design Guidelines, with the exception that landscaping shall be provided as depicted in the applicant's letter of intent.

All presentations and discussions from Item No. 11 were carried forward as follows:

Item Nos. 11 and 12 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting a waiver of the Residential Development Standards in the Aliante Design Guidelines to reduce the corner side lot landscaping requirements where 10 feet was required; specifically, in Aliante, the corner side lots were required to provide one tree every 30 linear feet and then have 50% live ground coverage. The applicant, in these two subdivisions, was requesting waivers for all of their corner side lots that have either already previously been developed, built and sold or the last few that were still under development. The total number of lots was 47 in both subdivisions. The applicant had various levels of compliance, whether it be just crushed rock or in some instances, there were trees and in others there was some amount of trees and ground coverage. The application was continued to allow the applicant time to come up with some type of alternatives. Since, unfortunately, the way the Development Standards and Design Guidelines in Aliante were written, it does not allow much latitude and leeway from Staff's perspective, so Staff was

recommending denial of the waiver as it was not in compliance with the single-family Design Guidelines or the Family Village Design Guidelines. Staff was recommending denial of SPR-03-11 and SPR-04-11.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant explaining the entire development consisted of 357 lots and in order for Pardee to complete all of the lots and turn everything over, there were 11 more lots to complete. In working with the inspectors, through the superintendent, a number of the lots were built, finalized and sold; therefore, there was a Certificate of Occupancy, with corner side yard landscaping that varied between trees, no trees, and some locations had some ground cover, but it did not meet Aliante's standards of 50% live ground cover. She explained the reason they could not comply with the requirements, was because the soils report came back and was very specific on what could be done in certain areas; so, they complied with the soils report and worked with the building inspectors at the time and obviously, the majority of all of those homes, with the exception of two, have been sold and all of the lots had been turned into common area and deeded over to the Homeowners Association (HOA) in the conditions described. They were requesting a waiver on all of the lots where they did not comply with Code, including the two where Pardee still had ownership and had not built the lots yet. Recently, it had come up, when the process was started, Pardee Homes turned over the City's application to the Property Manager for the HOA and had not heard there were any problems with it. The HOA was turned over from the developer to the homeowners, as they only have 11 more lots to complete and when the turnover process was done, there was a huge inspection process that happened and there were no issues raised by the HOA with the way the corner side lot landscaping was installed. In order to complete the project and final the last 11 lots, it was required by Planning that the developer get an official waiver for the way the lots were landscaped. Ms. Lazovich explained over the past month she clarified who owned the common lots versus the lots left to be completed, and confirmed they were owned by the HOA, so Pardee could not go onto their property and do anything with the corner side lots. On the two lots Pardee had control of, the soils report indicated on lot #152 trees were appropriate but not ground cover; so they wanted to add trees and 5 large boulders on either side of the trees. On lot #158 they proposed two trees and three boulders. Ms. Lazovich apologized for not meeting with Staff to discuss the addition of the boulders on lot #152 and #158.

Chairman Steve Brown asked if the two remaining lots were part of Item 11 or 12 or split between the two items.

Ms. Lazovich responded she was not sure, as they were done by parcel number.

Chairman Brown asked if legally it was possible for the applicant to apply to change a site plan on property not owned by them.

Deputy City Attorney Bethany Sanchez explained there were applications made by people who were not the property owner and the decisions of the body bind the record title owner of the property.

Chairman Brown asked if they would be a representative in that case.

Deputy City Attorney Sanchez responded not necessarily as they did not always have the landlord show up.

Chairman Brown asked if he were to file a site plan review for a property he did not own, if it would be legal.

Deputy City Attorney Sanchez explained that was part of the long and detailed discussion with the applicant's representative, as this was probably not the preferred technical procedure to get to what the applicant was requesting and for many reasons, the train was down the track, so they were trying to get to a resolution that was as acceptable as possible to the applicant and to Staff. It would have been preferred that the application would have been presented in a way there would not be procedural hurdles.

Chairman Brown asked if the applications could be modified so they only applied to the two uncompleted lots and refer the other lots to the HOA or to the homeowners of the various properties for the corrections to be made.

Deputy City Attorney Sanchez responded that was one of the items discussed and because of the nature of the Development Agreement and how the approvals were tied to the last parcels developed, by only granting the waiver on the two parcels, you leave the others in a place where there was no way the City could go back and make sure the corrections were made and the City was in a bad position of going out with Code Enforcement to issue citations and make them apply for the waivers.

Chairman Brown understood that, but if the Commission determined it was wrong to ask the applicant to go out and fix other people's property and approve the applications, then they approve the whole thing and the City loses out completely.

Deputy City Attorney Sanchez understood there was no real mechanism to bring the HOA in after the applications were approved; so, technically, procedurally, this was the best way to have a uniform waiver on all of the lots. The other concern brought up by Staff, was that if a waiver was approved on two lots and not the others, you may have a subdivision where corner lots look different. It was Staff's recommendation that we move forward and consider the waivers in total as opposed to only the two lots.

Commissioner Jay Aston clarified the vote should be an up or down on all parcels listed.

Deputy City Attorney Sanchez responded that would be Staff's recommendation.

Ms. Lazovich stated this was a difficult spot and from Pardee's standpoint was that they wanted to finish the subdivision, sell the homes and let it be a community with no more development and construction on the inside. They were concerned they would not find themselves in a position where the building permits were held up and they could not finish the development. They needed to find a balance between allowing Pardee to finish their development in a timely manner and understanding the City was looking for compliance with the Design Guidelines and Pardee also had to balance their soils report with what was done on the lots and unfortunately, because of the way litigation was with homeowners and homebuilders, they were reluctant to do anything that was opposite of what was required in the soils report, as it exposed them to possible liability.

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MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Director Frank Fiori informed the Commission that as of July 5, 2011, the department was now called the Department of Community Services and Development, which includes Planning and Zoning, Code Enforcement, Building and Safety, Neighborhood Services, Housing and Recreation. He explained some of the problems with landscaping inspections and the geo-tech reports should be under control, as there has been a new system implemented and Staff was working with the landscape architects and geo-techs, so landscaping could be installed, as there were ways to mitigate the water in expansive soils.

Director Fiori added there would be a meeting with the City Attorney and the newly appointed Commissioners to go over all of the legalities and responsibilities of a Planning Commissioner and invited all Commissioners to attend.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:19 p.m.

APPROVED: September 14, 2011

/s/ Steve Brown
Steve Brown, Chairman

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