

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

October 12, 2011

BRIEFING: 5:37 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:02 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
Commissioner Willard Ewing - 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
Kent Chang, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Sylvia Joiner-Greene

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF
SEPTEMBER 14, 2011. (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 9 was heard next.

NEW BUSINESS

1. **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 WERE 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 Robert Eastman, Principal Planner who explained the application was originally heard at the August 10, 2011 Planning Commission Meeting; but due to a Public Hearing notification error, it had to come back before the Commission for Public Hearing notification and a proper public hearing. The applicant was requesting a special use permit for hazardous materials to allow 1500 gallons of anhydrous ammonia, which was used in their industrial process. It was an expansion, as the use was originally approved for 1,000 gallons of anhydrous ammonia. With the modification, the applicant proposes to remove their existing tank and replace it with two tanks in the same general location. Staff has reviewed the proposed addition and the Fire Department reviewed it for compliance for safety and had no serious concerns and was recommending approval of UN-74-05 and that it be forwarded to City Council with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The 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, 11703 Via Espanza Avenue, Las Vegas, NV 89138 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: Commissioner Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

2. ZN-54-06 (43718) CRAIG & ALLEN MUD AMENDMENT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CRAIG ALLEN RETAIL LLC, PROPERTY OWNER, FOR AN AMENDMENT TO AN EXISTING MUD MX-2, MIXED USE DEVELOPMENT DISTRICT/COMMUNITY CENTER MIXED USE TO MODIFY A PREVIOUSLY APPROVED SITE PLAN FOR THE COMMERCIAL COMPONENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 139-06-714-001. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the request was for an amendment to the commercial component of an existing mixed use development located at the southwest corner of Craig Road and Allen Lane. Previously, the site plan was approved for approximately 50,000 square feet of commercial with a 312 unit multi-family complex. The multi-family component was located along the south adjacent to an existing single-family neighborhood. The commercial component was at the corner of Craig Road and Allen Lane. The applicant was now proposing to develop 24,000 square feet of commercial retail space, scattered on six individual pad sites instead of the previously approved in-line commercial with a larger 10,000 square foot grocery store. With the new plan, the applicant was proposing pad sites that would contain a convenience food store, a convenience food restaurant, a bank, and three other pads. With the amendment, the applicant was proposing a phasing plan, which would be done in three phases. The first phase would only contain a 3,000 square foot convenience food store, which was proposed to be a 7-11 without gas pumps and a relatively large pedestrian plaza area that would be used by both the residents of the multi-family portion as well as serve as a plaza area for the shopping center. The second phase would contain the two pads on the western edge of the site, which one of them was unidentified and Pad "E" was shown as a restricted gaming on-sale establishment. The third phase would contain Pads B, C and F, which was the bank, the fast food, and an unidentified commercial pad. The site was very over parked; however, with the total development, because it needed to be considered with both the multi-family and the commercial components, the parking was very close to what was required and with the new revised site plan, six spaces were lost, so they were only over parked by 14 spaces. The site plan was in general conformance with the mixed used development. It was a horizontal mixed use and there was not nearly as much integration as was preferred in a mixed use development. There was a private drive built almost to street standards with parallel parking that separates the two uses, which also limits the ability to mix the two uses. The new plan has pedestrian priority areas and connections across the road that meet the 15 foot requirement and there were landscape pathways through the commercial components to the different pads to the multi-family development. The revised plan submitted October 11, 2011 was generally more in compliance than what was originally submitted. Since Staff had not had ample time to

review the site, they did not feel comfortable amending the conditions to reflect the new site plan. Staff was recommending approval of ZN-54-06 subject to the conditions listed in the Staff Report as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Phasing shall be allowed consisting of the following three phases:
 - a. Phase One - Pad A, with associated pedestrian open space and all parking area east of Pad B, and the eastern drive ways on Craig Road and Craig Crossing.
 - b. Phase Two - Pad D, Pad E with associated pedestrian open space and parking areas, and the western drive ways on Craig Road and Craig Crossing.
 - c. Phase Three - Pad B, Pad C, Pad F with associated parking areas.
3. A Final Development Plan, for each phase, shall be reviewed and approved by the Planning Commission prior to construction of any building within the phase.
4. Gas pumps shall not be allowed within the development.
5. That development shall comply with Mixed Use Development Standards, including but not limited to, the following:
 - a. A minimum 15-foot wide pedestrian priority area (which includes a six foot wide amenity zone and a nine foot wide sidewalk) shall be provided next to all buildings containing commercial uses. Furthermore, an additional 10 feet of landscaping, outdoor dining areas, courtyards, or pedestrian arcades shall be provided at the building entrances, not to exceed 50% of each building frontage.
 - b. Six (6) foot landscape islands shall be installed for every 12 spaces contained within a parking row, and at the end of all parking rows.
 - c. The residential land use type shall not occupy more than seventy-five percent (75%) of the entire site.
 - d. Internal pedestrian priority areas shall be provided to connect the internal residential areas to the commercial areas of the development. Furthermore, additional pedestrian priority areas shall also be provided next to Craig Road, Allen Lane and Goldcrest Drive to serve as pedestrian connections to the commercial areas from the surrounding neighborhoods.

- e. Pedestrian crosswalks shall be provided across Craig Crossing as shown on the Preliminary Development Plan.
 - f. Decorative pavers or stamped and colored concrete shall be used as paving material on all pedestrian connections within the commercial component and across Craig Crossing.
 - g. A minimum 20 feet of landscaping shall be provided between the right-of-way and any wall or fence along Goldcrest Drive.
 - h. Carports shall be prohibited in front of any commercial establishments.
6. A minimum of 695 parking spaces shall be provided on the site in which 590 parking spaces shall be designated for the residential use, or as shown with a parking impact study subject to review and modification by the City of North Las Vegas Traffic Engineer.
 7. No permanent structures, including signs, will be permitted over the 30' drainage easement area adjacent to Craig Road.
 8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
 9. 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.
 10. Right-of-way dedication and construction of a CAT bus turn-out is required on Allen Lane near Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
 11. A minimum of 5' landscape area must be provided behind any proposed bus turn-outs.
 12. The property owner is required to grant a roadway easement for commercial driveway(s).
 13. The property owner is required to sign a restrictive covenant for utilities.

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. All off-site improvements must be completed prior to final inspection of the first building.
16. 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.
17. No trees shall be planted within five (5) feet, either side, of the underground drainage facility.
18. Internal street names are required on all drive aisles.
19. Approval of a traffic study and a parking study is required prior to submittal of the civil improvement plans.
20. A queuing analysis may be required.
21. 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.
22. That the development comply with the appropriate Building Code requirements.
23. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
24. The following minimum amenities shall be required as part of the usable open space:
 - a. Circuitous lighted paths and fitness course
 - b. A minimum of 20 24-inch box trees per acre
 - c. At least two locations providing 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (4 play structures total)
 - d. A minimum of 1,980 square feet of swimming pool area with clubhouse/cabana, restrooms, decking, barbecue areas, and shade structures
 - e. Shaded picnic areas, including picnic table(s), barbecue grill(s), trash

- receptacle(s) and drinking fountain(s)
- f. At least one large open space area for group/organized play w/drinking fountain
- g. One sport court (i.e. basketball, sand volleyball, tennis, etc.) may substitute two play structures from provision 3 above
- h. One large lighted group shade area/gazebo (30' diameter)
- l. Benches spaced along pathways
- j. Bicycle racks at 2-3 different locations
- k. Dog stations
- l. Details of amenities to be provided

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining because the market had changed and they did not have the potential for the large food store previously envisioned, the client was trying to create something complimentary to the development and tried to create a more attractive design by breaking up the uses and adding more landscaping and broke the parking up so there was not a sea of asphalt. He concurred with Staff recommendation and would work with Staff between now and when the application was heard by City Council.

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

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt liked the idea of the open space and the Plaza areas. He was aware there was an elementary school around the corner, but did not feel that would pose a problem.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

3. FDP-03-11 (43721) CRAIG & ALLEN COMMERCIAL CENTER. AN APPLICATION SUBMITTED BY CRAIG ALLEN RETAIL LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN AN MUD MX-2, MIXED USE DEVELOPMENT DISTRICT/COMMUNITY CENTER MIXED USE RELATING TO PAD A CONSISTING OF 3000 SQUARE FEET. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the application was for the Final Development Plan (FDP) for the first phase, which was only for the convenience food store and the associated open space, and as the applicant originally indicated, it included the drive along Craig Road, the pedestrian access point across Craig Crossing to the multi-family development and, for the most part, Staff did not have any real concerns with the FDP. Staff's concerns were from a procedural standpoint, which was that an FDP was to show what was approved by the Commission and then by City Council and that the applicant had met all the conditions of approval and the Commission was able to review and approve them with the FDP. At present, the FDP and the PUD were the same, as it was the same design. From a procedure standpoint, Staff felt it would be more appropriate that the item be continued to allow the MUD to go through the full process and get approved by City Council so that any conditions that were amended, could then be placed on the site plan review for the FDP; however, if the Commission determined approval was warranted and Staff was capable, the FDP could be approved and an additional condition could be read into the record. The original recommended conditions are as follows:

1. This development shall comply with all conditions of ZN-54-06.
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. The Phase shall include the pedestrian access point located just west of the Craig Crossing driveway, including the sidewalk, landscaping and decorative walkway in the drive aisle.
4. The pedestrian plaza area/open space shall be amenitized as shown on the submitted landscape plans.
5. All landscaping and amenities are required prior to issuance of the Certificate of Occupancy for the building located on Pad A.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he understood Staff's comments and had contacted them earlier in the day and they thought they may be able to continue the application; but, due to the way the meeting dates fell, The application for ZN-54-06 would

not be heard by Council until November 16, 2011, the FDP would not be heard by the Commission until December 14, 2011, so they would lose an entire month in the process. He was requesting that the FDP be approved and he would work with Staff. If Council had major issues with ZN-54-06, they would have to come back before the Commission. Any minor issues and changes could be handled with Staff if Council were to make any minor changes.

Deputy City Attorney Sandra Morgan indicated if that was the Commission's desire, there was a condition prepared that stated that if the City Council made any changes to the conditions that were addressed in Item No. 3, ZN-54-06, that the applicant would have to come back and amend the final development, so the applicant would have to start from scratch again. If Council approved ZN-54-06 with the conditions approved by the Commission, at that date, then the FDP would be effective.

Mr. Garcia clarified if that was any change or a design change.

Deputy City Attorney Sandra Morgan responded it was any change.

Mr. Garcia pointed out some changes would not affect the design and he would like the conditions to specify design changes.

Deputy City Attorney Morgan stated if the Commission desired the condition to specify design changes, the condition could be amended to reflect that.

Commissioner Dilip Trivedi asked Mr. Garcia if the owner was planning to build in the near future.

Mr. Garcia responded the owner of the property was not going to build the individual buildings in all likelihood. They were the developer and built the residential portion, which was what they typically build. Once the commercial portion was approved, they would be able to move forward with letters of intent subject to final approval with Council, which is why they wanted to be able to close on the first phase before the end of the year.

Commissioner Trivedi clarified the applicant could only move forward with the closings dependent on the approval of the FDP.

Mr. Garcia stated that was correct, as they needed to know their entitlements were in place in order to close.

Commissioner Dean Leavitt felt Staff and the applicant could work together on any minor amendments.

Commissioner Laura Perkins concurred with Commissioner Leavitt and felt Staff was competent to work with the applicant on any minor amendments. She also agreed, if the

actual design was not changed, the FDP did not need to come back before the Commission.

Commissioner Leavitt felt due to the challenges of the economic times we may be doing a disservice to the developer and community by continuing something that could go forward and understood time lines were critical and a 30 day continuance could hinder a project.

Commissioner Jay Aston asked if the proposed FDP was for Phase 1 only.

Mr. Eastman responded that was correct. Additional FDP's would be submitted for the other phases.

Commissioner Aston clarified it was for one building pad out of six.

Mr. Eastman responded that was correct.

Commissioner Aston indicated he would be in support of the application.

Mr. Eastman read Condition No. 6 into the record as follows: "Approval of FDP-03-11 shall be effective upon City Council approval of ZN-54-06 with the conditions reviewed and approved by the Planning Commission. If the City Council amends any of the conditions pertaining to the site design of ZN-54-06 prior to its approval, the applicant shall amend its Final Development Plan to reflect the changes approved by Council."

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 6 ADDED TO READ:**

6. APPROVAL OF FDP-03-11 SHALL BE EFFECTIVE UPON CITY COUNCIL APPROVAL OF ZN-54-06 WITH THE CONDITIONS REVIEWED AND APPROVED BY THE PLANNING COMMISSION. IF THE CITY COUNCIL AMENDS ANY OF THE CONDITIONS PERTAINING TO THE SITE DESIGN OF ZN-54-06 PRIOR TO ITS APPROVAL, THE APPLICANT SHALL AMEND ITS FINAL DEVELOPMENT PLAN TO REFLECT THE CHANGES APPROVED BY COUNCIL.

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

4. UN-67-11 (43736) SUPERIOR LINEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MIKE BURDINE ON BEHALF OF PROLOGIS NA3 LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A COMMERCIAL LAUNDRY FACILITY. THE PROPERTY IS LOCATED AT 4501 MITCHELL STREET. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-001. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated they planned to use approximately one third of the building, which was approximately 195,000 square feet in size. They also indicated they would start operations with approximately 110 employees and hoped to grow to over 300 employees and eventually be able to utilize half of the building. The operation was 24 hours per day seven days per week, so all employees would not be on site at one time. The site plan showed approximately nine parking spaces on the site where 102 were required by the current zoning ordinance; however, the Commission had the ability to approve the request even though it does not comply with the current parking requirements. The zoning ordinance talked about legal non-conforming uses or structures, and in cases like this, future uses could still be considered, provided the applicant could provide as much parking as the site could hold to maximize their ability to provide parking on the site. The area had ample pavement in front and on both sides where the applicant could stripe parking that would comply with the size requirements for parking lots and drive aisles. There were also several areas between the bay doors where additional parking could be provided. Staff was recommending a site plan be provided to show parking was being maximized on the site. It was also noticed the perimeter landscaping adjacent to Mitchell Street required some work and one of the conditions required the area to be replanted. Staff was recommending approval of UN-67-11 with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Perimeter landscaping adjacent to Mitchell Street shall be enhanced with additional plant materials to provide a 50% ground coverage, and decorative rock shall be provided in all other areas. A landscaping plan shall be submitted to staff for review and approval and such materials installed prior to issuance of a business license.
3. Development of this site, and all activities pertaining thereto, shall be confined to the subject parcel (APN 140-06-210-001).
4. A revised site plan shall be submitted to staff demonstrating that all available areas have been converted to employee and/or customer parking. Such parking shall be striped prior to issuance of a business license.

Vice-Chairman Dilip Trivedi suggested if an applicant or their representative was not present when an item was heard by the Commission, they be charged a fee to cover the

expense of the continuation of the application.

Marc Jordan, Planning Manager pointed out there were fees charged for all of the applications, which included the processing and public hearing notice requirements.

Chairman Brown asked if the application were to be continued indefinitely, if more fees would be incurred.

Mr. Jordan responded that was correct; and explained, if the application were continued indefinitely, the applicant would have to pay \$150 fee for re-noticing requirements.

Commissioner Dean Leavitt agreed the application should be continued due to the parking lot and landscaping requirements and pointed out he had worked at that location years ago and the landscaping was poor at that time.

ACTION: CONTINUED TO NOVEMBER 9, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

5. **UN-65-11 (43712) ALEX GOLD & SILVER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALI DIAB ON BEHALF OF NLV ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN RA/CR, REDEVELOPMENT AREA/COMMERCIAL/RETAIL SUBDISTRICT TO ALLOW THE PURCHASE OF GOLD, SILVER AND OTHER PRECIOUS METALS (SECONDHAND DEALER). THE PROPERTY IS LOCATED AT 1310 EAST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-601-022. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was operating in Plaza Del Sol, Space 25 and had a current license for the retail sales of fashion jewelry and linen and were requesting consideration to add an additional use to their business. Staff had no objection and was recommending approval and forward the application to the Redevelopment Agency for final consideration with the following recommended conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the existing use may include the purchase of gold, silver, platinum and other precious metals.
3. That the owners and/or operators maintain compliance with local police requirements for the purchasing of jewelry, coins, and "scrap" precious metals from customers. The resale and/or pawning of jewelry, coins, or "scrap" metals to other customers shall be prohibited.
4. The owners/operators must comply with conditions of NRS Chapter 647, specifically 647.018, and NRS 647.110 through 647.145 with regards to records of transactions, identification of persons selling property, daily reporting of goods, retention periods and limitations on disposal of property.
5. The property be held in a locked safe during the retention period.

Ali Diab, no address stated appeared on the application 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 THE REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

6. FDP-02-11 (43705) ANN-LOSEE VILLAGE 1. AN APPLICATION SUBMITTED BY HARMONY HOMES, INC., PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 100 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LAWRENCE STREET AND ANN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-815-001 THRU 098. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the application was originally approved with 98 lots and the applicant had made some small amendments to get it up to 100 lots. The lots all met the minimum lot area for the PUD which is 3335 square feet and each one meets the minimum 47 foot width. In general, the plan was in conformance with the PUD and the single-family design standards. There were a few elevations that had some architectural embellishments which include some metal awnings that were not in compliance; but, overall the majority of the site was in compliance. Staff was recommending approval of FDP-02-11 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 the development shall comply with all conditions of approval of ZN-98-04 and T-1343.
3. The ground coverage on the south side of Fort Morgan Avenue shall be constructed as shown on Saybrook Avenue.
4. The streetscape on the north side of Ann Road shall be consistent with the landscaping provided on the south side of Ann Road.
5. All awnings shall be constructed of sunbrella or a similar material.

James Cooper, 4336 Spooner Lake Circle, Las Vegas, NV 89147 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

7. **SPR-11-11 (43720) LVAC @ TROPICAL & DECATUR. AN APPLICATION SUBMITTED BY LAS VEGAS RACQUETBALL CLUB, INC. DBA LAS VEGAS ATHLETIC CLUB ON BEHALF OF M GRAPE LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A COMMERCIAL/RETAIL CENTER WITH APPROXIMATELY 89,000 SQUARE FEET FOR A HEALTH AND EXERCISE CENTER AND RETAIL USES. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF TROPICAL PARKWAY AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-204-001, 124-30-204-002 AND A PORTION OF 124-30-204-005. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained approximately 77,000 square feet of the building would be used for a health and exercise center, approximately 4600 square feet would be used for an accessory day care center and the remaining portion would be used for additional retail space within the building. The applicant has provided all of the perimeter landscaping along all three street frontages and it also includes a meandering sidewalk next to the street frontages. The building appears to comply with the Commercial Design Guidelines. The applicant's architect has used a variety of materials in the building and the building does not exceed the height requirements. As part of the request, the applicant requested two waivers to the commercial Design Standards. The first was to reduce some of the landscaping adjacent to Tropical Parkway and at the intersection of Tropical Parkway and Centennial Parkway where some of the landscaping had been reduced to accommodate parking and the street requirements in the area. Those areas appear to be minor and the applicant was in general compliance with all of the Design Standards and Staff was supporting the waiver. The applicant also requested a waiver of the parking lot landscaping requirements where a six foot wide landscape island was required between every row of parking for every other row of parking. In lieu of that, the applicant was proposing six foot landscape diamonds for every three or four parking spaces in a row. Staff was recommending the applicant provide landscape diamonds for every three parking spaces in a row, which was consistent with the new zoning ordinance. The applicant also indicated they were proposing four LED wall signs on the building. The Zoning Ordinance did not have provisions for LED wall signs and after discussing it with the applicant's representative, it was agreed to remove the LED wall signs from the request. In the original Staff Report, continuance was recommended so the applicant could revise their site plan to show the proper right-of-way alignment on Tropical Parkway and an intersection alignment at Tropical and Centennial and also that the applicant would include some additional throat depths at some of the major entryways into the site and on October 5, 2011, the applicant submitted a revised site plan which addressed those issues. Staff was recommending approval of SPR-11-11

subject to the conditions listed in the revised memorandum dated October 12, 2011 as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Development shall generally conform to the site plan as submitted.
3. The proposed development shall comply with the Commercial Development Standards and Design Guidelines with the following exceptions:
 - a. The width of perimeter landscaping shall be provided as shown on the revised site plan dated October 5, 2011
 - b. Provide six (6) foot wide landscape diamonds for every three (3) parking spaces in every row of parking in lieu of landscaping being provided between the parking rows of every other double row of parking.
4. LED wall signs shall be prohibited unless otherwise approved through another appropriate method.
5. The ultimate design of Tropical Parkway and Centennial Parkway, including but not limited to, lane widths, number of lanes, median island locations and widths, is subject to review by the City of North Las Vegas Traffic Engineer during the civil improvement plan review process and shall comply with the *Master Plan of Streets and Highways*.
6. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Rice Avenue
 - b. Decatur Boulevard
 - c. Tropical Parkway
 - d. Centennial Parkway
7. The Rice Avenue / Montgomery Street knuckle shall be constructed per *Clark County Area Uniform Standard Drawing* number 211.
8. The developer is required to construct a raised median within Tropical Parkway, Rice Avenue and Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb and shall be treated per Public Works Department standards and requirements.

9. The revised site plan (dated 10/05/11) is proposing to modify the existing median island within Tropical Parkway, west of River Landing Street; consequently, the civil improvement plans must show the proposed median island modification as well, otherwise this site plan will need to be modified to accommodate the existing median which may subsequently result in a reduction of parking.
10. The flow of incoming traffic is obstructed at the mid-block entrance on Tropical Parkway opposite River Landing Street. To remedy this situation, the first three parking stalls shall be eliminated and the proposed landscaped island shall be extended north and west to channel the flow of incoming traffic.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. The driveway on Decatur Boulevard is limited to right in, right out only.
13. If not already existing, the civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Decatur Boulevard.
14. 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.
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. The property owner is required to grant a public 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.
17. A revocable encroachment permit for landscaping within the public right of way is required.
18. The property owner is required to sign a restrictive covenant for utilities.
19. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
20. Approval of a drainage study is required prior to submittal of the civil improvement plans.
21. City of Las Vegas concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

22. All known geologic hazards, such as fault lines and/or fissures, shall be shown on the civil improvement plans submitted to the Department of Public Works. Subsequent identification of additional hazards may substantially alter the original site plan.
23. The public street geometrics, saw-cut lines and thickness of the pavement sections will be determined by the Department of Public Works.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant giving some history on the project . He agreed with Staff on the LED sign issue and hoped to revisit it with Staff and come through with an ordinance for LED wall signs in the future. Condition No. 7 required they make a minor adjustment to the driveway design off of Tropical Parkway, which resulted in the reduction in three parking stalls and he showed how that was accomplished and submitted a diagram and indicated he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED OCTOBER 12, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

8. **SPR-12-11 (43719) COMMERCIAL CENTER DIRECTORY SIGN. AN APPLICATION SUBMITTED BY M GRAPE LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 920 SQUARE FOOT DIRECTORY SIGN AT 75 FEET IN HEIGHT WHERE 250 SQUARE FEET AND 45 FEET IN HEIGHT IS THE MAXIMUM ALLOWED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND RICE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-204-001, 124-30-204-002 AND A PORTION OF 124-30-204-005. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained when the application was reviewed, Staff did some comparison. The height and size of the proposed sign was more consistent in scale with signs for casino developments, such as The Fiesta, Texas and Aliante Casinos. The sign was 263 percent larger in sign area than a commercial of the size was allowed and also 66 percent taller in height than a commercial center of the same size was allowed. When comparing the sign to a larger commercial sign that was allowed to have 400 square feet of sign area and still be limited to a height of 45 feet, the proposed sign was 127 percent larger than a large commercial center was allowed. The proposed sign was also 35 percent larger than what you would see on billboard signs located along I-15. The City had seen its share of tall signs and several years ago, the City amended the Zoning Ordinance in the sign criteria to limit the height of signs and there was one exception - when commercial and industrial businesses were located within 1500 feet of the centerline of the interchanges of Craig Road, Cheyenne Avenue or Hollywood Avenue, those businesses could have a taller sign up to 60 feet tall, but it did not give them a larger sign. The Zoning Ordinance was written in such a way and specifically states that it is to allow for the equal treatment for all developments in regards to signage. The ARCO AM/PM and the Las Vegas Athletic Club would typically serve the population in the area and staff feels people would get to know the area and, therefore, would not need signage of that size to direct them to the businesses. Also, to be equal in the way the sign criteria was applied for all businesses, the height and size of the proposed sign would give the property an unfair advantage that was not enjoyed by other commercial businesses within the City. The applicant was proposing a pylon sign with two pylons and would have a covering around the base of the sign that appeared to be approximately four feet wide and 22 feet in height; however, did not indicate what type of covering was being used. The design of the sign does not comply with the Design Standards in the Zoning Ordinance. Signs for commercial businesses are supposed to take on the character of the existing building. The applicant was proposing an attractive building on the site, but the sign was not consistent with the design of the building and was not in compliance with the existing standards. Staff had listed four criteria the Commission was required to review on these types of requests and for the record, Mr. Jordan read the following: "In reviewing this, Staff has indicated that we do not believe the

proposed request meets the criteria established and outlined above to warrant support for an increase in sign height and area. The proposed request would not be in substantial compliance, which is one of the requirements they are required to do, with the sign requirements as the proposed sign is 263 percent larger than what was allowed for sign area and 66 percent higher than what is allowed in height. Furthermore, the proposed request may be detrimental to the surrounding properties and there is nothing unique about the property that would warrant support to deviate from the current standards." As a side note, one of the other things Staff looked at was the surrounding properties. There was residential to the east and to the south and there was also residential to the southwest located in the City of Las Vegas. If the applicant's intent was to have the sign visible for motorists traveling along Clark County 215, the sign would also be clearly visible for the people who were residing in the neighborhood. The proposed request could also set a precedent that would encourage other such requests; thereby, possibly eroding the quality Design Standards that have been established by the City. The purpose of the sign criteria was to establish equal and fair treatment for all developments in the City and Staff believes the proposed signage would give the site an unfair advantage that was not enjoyed by other commercial developments in the area; therefore, Staff was recommending denial of SPR-12-11.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating the sign was a critical element of the project and agreed with Staff that the sign was unique and unprecedented based on what staff described. He explained there was a unique set of conditions that would make the proposed sign different and felt there was a basis for approving the sign. At the corner of Decatur and 215 there was a three story townhouse project which was raised. The height was chosen due to a visual analysis and was set at the minimum height it could be viewed from 215. When the Las Vegas Athletic Club originally looked at the site, the access was to be on Decatur and when the convenience store was built, the main orientation of the front door got push to Tropical Parkway, which made the site less desirable. The signage was critical to the business. Mr. Garcia explained the site was unusual in its physical configuration and there was a history of the property trying to deal with the unique condition of the roadway design. The roadway design created impairments to the property, both in the loss of land, the designs that ultimately resulted. He pointed out the Walmart center on Decatur north of 215, which only had a one story commercial building between them and the freeway and were not visually impaired, which also lent substantial basis for differentiating the proposed site and creating something that was not preceded, but was judged on its own merits and its basis to the proposed location and set of circumstances.

Commissioner Laura Perkins asked the applicant how far the customer base traveled to use the facility.

Mr. Garcia responded they may be looking at a two mile radius, as this was a sub-regional type of use. They rely on major arterials and freeways, not local streets, to bring the traffic to them.

Commissioner Laura Perkins asked to explain the waiver for a sign that was above grade.

Mr. Jordan explained the sign at 215 and North 5th Street, which was part of the Target/Home Depot Shopping Center, which was approximately 60 acres in size. They applied for a waiver to increase their sign height. The difference was, the property, even though it was next to 215, was actually depressed approximately 20 feet. So, if they would have built a normal 45 foot high sign, it would have only been 25 feet above grade at the intersection. They got Commission approval to build a taller sign; but, that was because of the grade difference in the property and at the grade of the intersection, the sign was still only 45 feet high.

Commissioner Will Ewing asked the applicant how depressed the proposed site was from the freeway.

Mr. Garcia did not have an exact answer but from the photograph it looked like it was 15 to 20 feet lower.

Commissioner Ewing asked what factors were considered to determine the square footage of the sign.

Mr. Garcia explained they were trying to create adequate visibility to get the images that were represented and be able to read them from 215.

Commissioner Ewing asked Staff if they were more concerned about the height or the square footage or if they had equal concern.

Mr. Jordan explained Staff had equal concern as the sign was 263 percent larger than a commercial center of that size was allowed and also 66 percent large in height than what was allowed; so, Staff's concern for height and size was equal. He pointed out, when viewing the photo shown by the applicant, the apartments were clearly on a site that was depressed from the grade of 215; however, the site where the Las Vegas Athletic club was proposing to go was not depressed, it was actually at grade. To give a good example, when you look at the photograph, you could see the directory sign for the Target Center, which was easily visible and was approximately 40 feet tall.

Chairman Steve Brown asked to see a satellite view of the site. He thought the freeway would be going under Decatur and what was currently used, would be an on-ramp.

Eric Hawkins of Public Works explained he had not seen the design for Decatur and 215, but it could go either way.

Chairman Brown stated most likely the freeway would undercut Decatur Boulevard and Decatur would be an overpass; so, if you were driving on the lower part, you would never see the sign, even it was 120 feet tall.

Vice-Chairman Dilip Trivedi concurred with comments made by Chairman Brown. The sign would not be visible from 215, if the freeway were to go under Decatur and also due to the distance from 215 . He asked the applicant the distance the site was from 215.

Mr. Garcia responded the site was approximately 1/4 mile from the ramps.

Vice-Chairman Trivedi stated no matter how high the sign was, it would not be visible from 215 and if you were driving at a speed of 50 miles per hour and you saw the sign, you would have already missed the exit.

Mr. Garcia explained they were looking at a static view, straight down past the townhomes; but, they actually drove 215 and did the analysis and the sign was visible further to the east and to the west. The sign becomes the least visible the closer you get to the ramps at Decatur; but, by that time you were able to see the sign and make an adjustment to get into the proper lane to exit.

Vice-Chairman Trivedi also pointed out the apartments on the corner would block the view of the sign.

Mr. Garcia agreed there were areas where the townhomes would obscure the building and the site.

Commissioner Jay Aston asked the applicant if they were looking for approval or denial or feedback.

Mr. Garcia indicated the sign was critical to the project moving forward and they were amenable to Staff's alternative conditions, which would require design changes to the sign. Basically, where the base would be reworked. The architect for the Athletic Club would work with Staff to make the sign match the building and if the Commission wanted to view that, but wanted approval of the height and area of the sign.

Commissioner Aston asked his fellow Commissioners if they were willing to accept a height and area of the sign that was less. He also asked the applicant if he would accept a smaller sign.

Mr. Garcia responded they need the 75 foot height and could possibly use a smaller area and change the aesthetics of the sign.

Chairman Brown believed that trying to link the signage to the freeway was inappropriate. Any signage should be considered to Decatur and Tropical Parkway. Signage should be based on the type of traffic on Decatur and he was sure Las Vegas Athletic Clubs were popular and well known enough that it would only take a sign out front that said "now building" to get interest. It was not necessary to have the sign visible from 215. It would be inappropriate of the Commission to approve the sign at the height and size requested so close to a neighborhood so it could be seen from the freeway.

Commissioner Dean Leavitt understood the request, but agreed with Chairman Brown and felt it would be inappropriate. As stated by Staff, the sign was the same size as Aliante or Red Rock Station's signs and clearly, it was not warranted.

Commissioner Perkins was concerned about setting a precedent, as she saw what happened on Craig Road, where there is sign pollution and she did not want that to happen again.

Commissioner Sylvia Joiner-Greene understood Staff's concerns with the sign being inappropriate, but living in the area and seeing that there was a disadvantage to the location of the site to be visible to traffic on 215 and felt the requested signage was appropriate.

Commissioner Ewing felt it would be a tragedy to see the project get scrapped due to the size of the sign and North Las Vegas needed the project.

Vice-Chairman Trivedi did not think anyone felt the project was a bad one, but the sign was not appropriate and did not conform with the Ordinance and other sites in the area were in compliance with the Sign Code.

Mr. Hawkins let the Commission know that 215 would go underneath Decatur Boulevard when it was completed.

Mr. Garcia asked that his client explain why the sign was critical and what was at risk and pointed out when traveling around the valley, there were signs of that height being requested such as the one in front of the M Casino which was 80 foot tall.

Raymond Shapiro, 2460 Professional Court #120, Las Vegas, NV 89128 explained he was the principal of M Grape and had no affiliation with Las Vegas Athletic Club; he was the owner of the 13 ½ acres and the developer of the gas station, convenience store, and car wash and the Las Vegas Athletic Club was in escrow to purchase approximately 11 ½ acres behind the gas station. He was not just a developer building a property to flip it; he had been operating gas stations in the valley for 16 years, including the gas station in front of the M Casino and at one point there were three signs at that location in excess of 100 feet. The proximity issue was a big factor in terms of getting the waivers as the code was similar to what existed in North Las Vegas. He hired Vision Sign to fly the sign for different locations and the 75 foot sign was visible from the set roadway coming west, well before the exit ramp would be, to allow someone to see the sign and slow to access the interchange. The fact that the roadway was potentially dropping underneath Decatur Boulevard would be detrimental from a visibility standpoint from that location, but not from the traffic coming west. He had the athletic club in escrow and they have a contingency period where at any time they could cancel the transaction. He was concerned that if they do not accommodate the athletic club in terms of visibility, they may back out. The site was a difficult site, but they have corrected the problems and had pulled permits and were ready to start building.

Chairman Brown asked how the proposed sign compared with the sign at the Walmart Center north of 215.

Mr. Garcia was not sure of the size of the Walmart sign. He stated the Target sign was probably 40 to 45 feet and the one along the Freeway was larger. It was typical for shopping centers to have a minimum of 60 to 80 feet for freeway visibility.

Chairman Brown asked the size of the Walmart sign that was visible from the freeway.

Mr. Jordan responded he was not sure; but, the center was more than 15 acres in size and would be allowed a larger sign area, up to 400 square feet, but the height would still be 45 feet.

Chairman Brown asked Staff if the Target Sign was 60 feet.

Mr. Jordan responded the sign directly across the street was approximately 40 feet.

Mr. Garcia pointed out, the proposed sign was the only sign proposed for the LVAC; they were not looking for more signage.

Winston Henderson, Architect, no address stated added that the LVAC would want the Commission to know, that their buildings were typically designed to be the signage. On all of the other locations, the buildings were adjacent to the freeways and the buildings were distinctive enough that signage was not required. As part of their business model, any member from any part of the valley, could go to another club. So, it was critically important to them, and to the potential success of the proposed location, that it was readily and easily visible because the building sat back contrary to some of their other locations.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Ewing

AYES: Commissioners Leavitt, Aston, and Ewing

NAYS: Chairman Brown, Vice-Chairman Trivedi, Commissioners Joiner-Greene and Perkins

ABSTAIN: None

The Motion failed. Chairman Steve Brown called for another motion

ACTION: DENIED

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Perkins

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

NAYS: Commissioners Aston, Joiner-Greene and Ewing

ABSTAIN: None

There was a break in proceedings at 7:55 p.m.

The meeting reconvened at 8:01 p.m.

Item No. 10 was heard next.

9. FLOYD EDSALL TRAINING CENTER JOINT LAND USE STUDY (JLUS) (PUBLIC HEARING). RECOMMEND ACCEPTANCE OF THE FLOYD EDSALL TRAINING CENTER JOINT LAND USE STUDY (JLUS) INITIATED BY THE NEVADA STATE DIVISION OF STATE LAND/STATE LAND USE PLANNING AGENCY IN COOPERATION WITH THE CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA NATIONAL GUARD FLOYD EDSALL TRAINING CENTER, AND NELLIS AIR FORCE BASE. (FOR POSSIBLE ACTION)

Presentation was given by Marc Jordan, Planning Manager who indicated Captain Brian Hunsaker and Mr. Bill Cadwallader were in the audience and also took part in the Joint Land Use Study (JLUS). He explained the State received a grant from the Office of Economic Adjustment to perform the Study, which began in October 2010. There was a Memorandum of Understanding (MOU) signed by the City, the State, Clark County, National Guard and Nellis Air Force Base at the beginning of the Study. Monthly meetings were held with the stakeholders and there were also others involved. There were also representatives from University of Nevada at Las Vegas (UNLV), Bureau of Land Management (BLM), and Nevada Department of Transportation (NDOT) at the meetings. Two open houses were held and as a result of those open houses, there were three drafts produced and the final draft was being presented. The purpose of the JLUS was a tool for cooperative planning between the City, local government jurisdictions and the National Guard. The Study would help provide tools to regulate future growth and development around the Guard site and also be used for the Guard in developing their site to determine or keep in mind the needs of the City. The JLUS would be used by the City in evaluating future land use decisions and the Guard would have the opportunity to utilize the Study. Mr. Jordan pointed out the Guard would be allowed to comment on things that might affect them and they would have the ability to comment and utilize the JLUS in the review of future land use applications. For the Study, notifications were sent to all properties approximately one mile in all directions and in some areas, a little further, in order to capture the area where the future UNLV campus was proposed.

Mr. Jordan stated there were 13 compatibility goals in the Study, which were objectives to be used in evaluating land use decisions. The goals were: Public Safety; Infrastructure Extensions; Anti-Terrorism/Force Protection (AT/FP); Noise; Vibration; Dust; Light and Glare; Alternative Energy; Air Quality; Public Trespass; Interagency Coordination; Ground Transportation Capacity; and Military Aviation.

Currently, there was residential in Section 20, which was split by 215 and the State had a reservation on Section 20 and one of the notes, was that changes would be considered in the future with the RNPP process but did not agree to actually amend the Master Plan, because the City still had its desires for future growth in the area; but, agreed to work together in the future. In the area north of 215, the City wanted to see employment and

it was agreed that residential next to the National Guard site was not a good land use. He pointed out the current Comprehensive Plan had a statement which stated military uses would be protected from encroachment of residential. The other area the City would consider in the future were the areas south of the National Guard site where it was resort commercial in the Comprehensive Plan and there were already casinos and C-2 approved in that area and were asking the City to consider different land uses in the future, should the Gaming Enterprise Districts expire. It was agreed to look at those areas and consider light industrial in the future.

The JLUS was asking the City to consider some recommendation and there were ten items they would like the City to look at.

Mr. Jordan explained Staff was requesting the Commission accept the Study, and if it was accepted, it would be presented to City Council in the form of a Resolution for final acceptance.

Commissioner Laura Perkins asked if a military overlay had been done before.

Mr. Jordan responded he was sure it had been done in other jurisdictions because the JLUS was not unique. Many military bases and guard bases around the country had been through the process and his experience was limited to North Las Vegas. The concept was not unique and he was sure other jurisdictions had come up with military overlay zones.

ACTION: FLOYD EDSALL TRAINING CENTER JOINT LAND USE STUDY
ACCEPTED; FORWARDED TO CITY COUNCIL FOR FINAL
CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

OLD BUSINESS

10. **UN-63-11 (43569) ADVANTAGE 2 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROBERT FRIMET ON BEHALF OF MARBONITA, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW THE PURCHASE OF GOLD, SILVER, AND OTHER PRECIOUS METALS (SECONDHAND DEALER). THE PROPERTY IS LOCATED AT 2672 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-313-001. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 14, 2011)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant currently had a business located inside the existing La Bonita Marketplace and most recently updated their business license to also include other services such as money wire transfers, money orders, currency exchange, bill pay, debit cards, and fax services. The applicant was requesting Commission approval to add the additional services. Staff was in support of the application and was recommending approval of UN-63-11 and that it be forwarded to the Redevelopment Agency with the following recommended conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the existing use may include the purchase of gold, silver, platinum and other precious metals.
3. That the owners and/or operators maintain compliance with local police requirements for the purchasing of jewelry, coins, and "scrap" precious metals from customers. The resale and/or pawning of jewelry, coins, or "scrap" metals to other customers shall be prohibited.
4. The owners/operators must comply with conditions of NRS chapter 647, specifically 647.018, and NRS 647.110 through 647.145 with regards to records of transactions, identification of persons selling property, daily reporting of goods, retention periods and limitations on disposal of property.
5. The property be held in a locked safe during the retention period.

Robert Frimet, 10565 Villa Modena, Las Vegas, NV 89141 appeared on the application indicating he concurred with Staff recommendation and asked for clarification that the property was in the Redevelopment Area, as he was told it was not.

Mr. Jordan responded the property was in the Redevelopment Area and explained there were two Redevelopment Areas, one was the Downtown Redevelopment Area, which ends at Carey Avenue to the north and goes down to lake Mead and Owens Avenue and then there was the North Redevelopment Area that ran along Las Vegas Boulevard up to Cheyenne Avenue.

Mr. Frimet asked if the application were approved, and after the item was heard by City Council, he would then go before the Redevelopment Agency.

Deputy City Attorney Sandra Morgan explained the Redevelopment Agency was comprise of the same people as the City Council.

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 THE REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

11. **SPR-08-09 (43571) WEB-SITE BUSINESS PARK. AN APPLICATION SUBMITTED BY PASSCO COMPANIES DEVELOPMENT, LLC ON BEHALF OF PCDC DEVELOPMENT FUND 2006, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME OF A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDUSTRIAL DEVELOPMENT CONSISTING OF APPROXIMATELY 270,450 SQUARE FEET; WAIVERS FROM THE INDUSTRIAL DEVELOPMENT STANDARDS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF TROPICAL PARKWAY AND BEESLEY DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 123-27-201-025. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 14, 2011)**

The application was presented by Robert Eastman, Principal Planner who explained the site plan was originally approved and had a number of extensions in 2009 and 2010 and with the changes to Title 17, the applicant was requesting a two year extension of time, which was in compliance with the revised Title 17. The site plan has not changed since the previous extension of time and was still in compliance with the old Industrial Design Standards and also with the new Design Standards. Staff was recommending approval of SPR-08-09 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The extension of time for SPR-08-09 shall expire on August 11, 2013.
3. The development shall comply with the Industrial Design Guidelines with the following exception:
 - a. The office/warehouse buildings can be oriented away from the street intersections.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway.

7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Tropical Parkway
 - b. Beesley Drive
 - c. Azure Avenue
 - d. Associated spandrels
8. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
9. 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.
10. 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.
11. The property owner is required to grant a roadway easement for commercial driveway(s).
12. The property owner is required to grant a roadway easement for commercial driveway(s).
13. Construction of a 32-foot access road on Tropical Parkway to the nearest paved street is required.
14. A construction phasing plan, depicting onsite development and supporting offsite improvements, as well as construction access routes, shall be provided by the developer. Approval by the Department of Public Works is required prior to the issuance of any permits.
15. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
16. Fire access lanes shall be designed and located in accordance with the Fire Code requirements.

17. The applicant shall sign agreement with the city to participate in the Sewer SID cost sharing prior to the City processing an inter-local agreement with Clark County (or prior to mylar approval).

Carey Levy, PASSCO Companies Development, LLC, 96 Corporate Park, Suite 200, Irvine, CA 92606 appeared on behalf of the applicant indicating he concurred with Staff recommendation and pointed out due to the market conditions, they were unable to develop at this time.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

12. 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) (CONTINUED AUGUST 10 AND SEPTEMBER 14, 2011)

The application was presented by Robert Eastman, Principal Planner who explained the application had been continued numerous times to allow the applicant time to amend the site plan and their elevations. Staff was recommending approval of SPR-09-11 with the conditions listed in the Staff Report dated October 12, 2011 with some minor amendments to Condition No. 5.j, which would be amended to read: "A minimum of 12 benches spaced appropriately along park pathways." and then 5.k would be amended to read: "A minimum of 8 exercise stations located within the open space system and mile markers placed every quarter mile along paths." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Multi-Family Development Standards including, but not limited to:
 - a. All buildings will have the required architectural detailing to the sides and rears of the buildings within the development. This includes the maintenance building, clubhouse, carports, and garages.
 - b. The buildings shall be limited to two (2) stories and not to exceed 35 feet in height to the top of the roof.
 - c. All units are required to have a balcony or patio that cannot be accessed by any other unit. Balcony areas must be a minimum of 40 square feet in size and patio areas must be a minimum of 80 square feet in size.
 - d. Special pavers, bricks or patterned concrete shall be provided for all entry areas and internal walkways, as shown on the submitted site plan.
 - e. The development will also show three (3), "village clusters" as required in the Multi-Family Development Guidelines. These will be shown on the construction plans at the time of building permit submittal.
 - f. No utility panels shall be visible from adjacent rights-of-way or properties.
3. A minimum of 868 non-tandem parking spaces shall be provided.
4. If a fence is provided around the development along the rights-of-way, it shall be

designed with a minimum of six (6) pedestrian access points to the perimeter sidewalk.

5. At minimum, the developer will be required to provide the following amenities:
 - a. A minimum of twenty 24-inch box trees per acre;
 - b. Circuitous lighted paths;
 - c. At least two (2) differing, age-appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface in two different areas of the development (4 play structures total). Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes;
 - d. Two swimming pools with accompanying restrooms, drinking fountains, decking, barbecue areas, and shade structures at each location. The combined square footage of the swimming pools shall equal a minimum of 1,971;
 - e. A minimum of one fitness facility;
 - f. A minimum of one clubhouse with no more than 25% of the floor area (included in the open space calculation) dedicated for uses other than common recreation and incidental support facilities. The floor plan of each recreation building shall be subject to the approval by staff during review of the building plan;
 - g. Eight (8) shaded picnic areas, including picnic tables and barbecue grills;
 - h. Pedestrian crossings shall be marked and signed;
 - i. A minimum of two (2) pedestrian paths each from the development to the sidewalks along Azure Drive, Lamb Boulevard and Tropical Parkway shall be provided.
 - j. Benches spaced along park pathways;
 - k. Exercise stations and mile markers spaced along paths;
 - l. At least one large grassy open space area for group/organized play;
 - m. Dog stations near grass areas and other convenient locations;
 - n. All open space areas and amenities shall be ADA accessible and developed in compliance with the CNLV 2004 Park Design Standards; and
 - o. Details of amenities to be provided at the time of building permit submittal.

In addition to the requirement to comply with the *City of North Las Vegas Municipal Code - Titles 15 and 16, NRS 278* and accepted *Clark County Area Uniform Standard Drawings*, the Department of Public Works recommends the following conditions of approval:

6. All known geologic hazards shall be shown on the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the proposed building layout and require the submission of a revised site plan 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.
7. Approval of a drainage study is required prior to submittal 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. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Approval of a traffic impact study is required prior to submittal of the civil improvement plans.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway.
12. 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. Tropical Parkway
 - b. Azure Avenue
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Tropical Parkway near Lamb Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
14. Right-of-way dedication and construction of a flared intersection is required for Tropical Parkway approaching Lamb Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
15. The developer is required to construct a raised median within Tropical Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 PCC and 219 "A" type island curb. Specifications for the stamped concrete will be provided by the Department of Public Works.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
17. 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.
18. A revocable encroachment permit for landscaping within the public right of way is

required.

19. Appropriate 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.
20. All off-site improvements must be completed prior to final inspection of the first building or per an offsite phasing plan approved by the Department of Public Works.
21. 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.
22. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant requesting that the conditions that had been addressed and answered be deleted. He gave a brief description of the project and indicated they had many amenities. The project was relatively low density for garden apartments with approximately 13 ½ units per acre with lots of open space. In the new Code there was a requirement for pedestrian connectivity and walkability, which was to open up more possibilities for people to reach the sidewalks without having to walk through the entire subdivision or apartment project. Staff added a condition to add the gates into the project, even though it was under the existing Code, but the idea was that there would be six entry points and they submitted an exhibit that incorporated the gates into the project. There was a requirement to add additional park space, which was done. They agreed to the number of benches and exercise equipment. The amenity plan matched what staff was requesting. Mr. Garcia explained the applicant did not want to be debating the amenities when the project went through Plan Check and they did not want to have to come back before the Commission to amend the site plan. They were trying to minimize as much uncertainty as possible, so when the applicant ran their pro-formas and figure out their debt and financing, they knew exactly what was needed and there were no surprises.

Mr. Eastman pointed out the plan shown by Mr. Garcia clearly showed the six gates, but the plan in the Staff Report only showed five pedestrian access points.

Mr. Garcia indicated the plan was submitted to Staff over a week ago.

Commissioner Laura Perkins suggested rather than designing at the podium, that the

conditions be left as they were and vote up or down on the item.

Chairman Brown asked Mr. Garcia to re-state why he wanted some of the conditions deleted.

Mr. Garcia believed the Code very clearly set forth, as did the policies and practices of the City, what was expected. If they provide a set of plans to the City that they believed met the Code and requested Staff review them and let the applicant know where they were deficient and they would correct the deficiencies at that time. The last plan submitted addressed Staff's concerns so there would be no ambiguity in the future, when they got to the permit stage. They either provided the required amenities or made sure the conditions were as clear as possible. He was requesting the conditions, where the items had been addressed, be deleted and explained the plan did not just show a plan for the clubhouse, they provided floor plans. The drawings were not just conceptual; but, were meant to be real drawings of what was intended to be built and were the equivalent of a final development plan.

Mr. Eastman thought Staff had a solution. Condition No. 5 could be amended to read: "At a minimum, in addition to the amenities shown on the submitted site plan and other exhibits, the developer will be required to provide the following additional amenities:" and then a number of the sub-conditions would be deleted, specifically Condition Nos. 5.a, c, d, e, f, g, l, l, m, and n, which were the ones that were requested by Mr. Garcia originally. Also, because it could be confirmed easily that they do meet the six pedestrian access gates, Condition No. 4 would also be deleted.

Mr. Garcia agreed with Staff's recommended revision to the conditions.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NOS. 4, 5.A, C, D, E, F, G, I, L, M AND N DELETED AND CONDITION NO. 5 AND SUB-CONDITION NOS. 5.J AND 5.K AMENDED TO READ:

- 5. IN ADDITION TO THE AMENITIES SHOWN ON THE SUBMITTED SITE PLAN AND OTHER EXHIBITS, THE DEVELOPER WILL BE REQUIRED TO PROVIDE THE FOLLOWING ADDITIONAL AMENITIES:
- 5.J A MINIMUM OF 12 BENCHES SPACED APPROPRIATELY ALONG PARK PATHWAYS.
- 5.K A MINIMUM OF 8 EXERCISE STATIONS LOCATED WITHIN THE

OPEN SPACE SYSTEM AND MILE MARKERS PLACED EVERY
QUARTER MILE ALONG PATHS.

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

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Services and Development Director Frank Fiori informed the Commission the Bicycle and Trails Open Space Plan was completed and would be presented to the Planning Commission in November and if approved would then be forwarded to City Council. He explained, due to time constraints, the Southern Nevada Public Lands Management Act funds had to be encumbered by the end of December.

CHAIRMAN'S BUSINESS

Commissioner Dean Leavitt felt it was time the City looked into LED lighting.

Community Services and Development Director Frank Fiori explained the City recently received a grant to change out many of the streets lights to LED and would be doing that as one of the energy retrofits.

Commissioner Leavitt stated that same courtesy should be extended to the business community.

Director Fiori explained there was language drafted for LED wall signs, but had not yet been incorporated into Title 17.

Chairman Steve Brown asked for clarification that tandem parking could not be counted as parking area.

Robert Eastman, Principal Planner responded that was correct, because, eventually the space was not used as it was intended.

Chairman Brown suggested tandem parking be allowed to be counted as a percentage.

Marc Jordan, Planning Manager explained it had been found tandem parking was a problem and was not used as intended and explained tandem parking had been approved in a couple of areas in the City, which was not successful.

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

APPROVED: November 9, 2011

/s/ Steve Brown
Steve Brown, Chairman

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