

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

April 11, 2012

BRIEFING: 5:30 P.M., Caucus Room, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada

CALL TO ORDER: 6:00 P.M., Council Chambers, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada

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: Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Carolyn White, Police Department
Jen Hurley, Police Department
Xiaohui Yu, Utilities Department
Kent Chang, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Dean Leavitt

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF MARCH 14, 2012. (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

NEW BUSINESS

1. **ZN-04-12 (44293) DONNA & ROME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PEPPERDINE ENTERPRISES INC., PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-2, SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED 250 FEET NORTH OF ROME BOULEVARD AND WEST OF DONNA STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-23-301-015. (CONTINUED MARCH 14, 2012) (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the property was master planned Mixed Use Commercial. It is the northern half of an almost 5 acre parcel that was originally zoned R-2 in 2006 and received a master plan land use designation for medium density residential, which was using the old Comprehensive Plan. In November 2006 a new Comprehensive Master Plan was adopted which designated this parcel and the neighboring parcels in the commercial center to Mixed Use Commercial. The Zoning Code specifically has seven criteria to warrant or when reviewing a rezoning application and Staff does not feel the application was in compliance with all seven criteria. The application was not consistent with the Comprehensive Master Plan for the area. The Master Plan was for a mixed use commercial category, which was predominantly a commercial land use but allowed residential up to 25 units per acre; however, the uses should be mixed or integrated on the site. Since the neighboring parcel, Kohl's, was developed prior to the change on the comp plan, this component, which could be the residential component, could not be mixed with the adjacent commercial; therefore, Staff feels it would be difficult for the site to be consistent with the mixed use category. The site also was not in compliance with the purpose for the R-3 District, which was to provide for high density multi-family housing of up to 25 units per acre and the site was 2.1 acres and it would be difficult for the applicant to build up to 25 units per acre and R-2 allowed up to 13 units per acre which was more compatible with the size of the parcel. The higher density residential would not be compatible with the surrounding parcels. It would be compatible with the commercial that it was adjacent to; but, the higher density residential was not compatible with the single family homes across the street. Staff was recommending denial of ZN-04-12. There were 17 cards received in opposition to the application.

Chairman Steve Brown inquired how the responses were received.

Mr. Eastman explained notices were sent out, which had boxes to check in support or opposition, to surrounding property owners who either faxed or mailed in the forms. He also pointed out the applicant was required to hold a neighborhood meeting.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating the site had some challenges and gave some history on the property. The Kohl's Commercial Center was to the west, residential to the east and vacant property to the north and south. There were projects started to the south but they were demolished and the Kohl's Center was only partially built. The property was previously zoned R-E and had changed over time. Shortly after the R-2 zoning and the Kohl's Center was approved, the City was adopting a new land use plan and it was clear the properties were identified for mixed use. The property was near the North Fifth Street transit corridor, which was identified as high density commercial and residential. The plan identified up to 50 units per acre fronting along North Fifth Street and going back to 25 units per acre on the next layer behind that with a transition on Donna Street to the east and a similar pattern on the west side of North Fifth Street. The Master Plan sets the vision and direction for the City and where it should go and what should be adhered to. The residential to the east was present at the time the Master Plan was adopted and the Kohl's Commercial Center was already in place and the question was how to fulfill the vision and direction at this point in time and that is to create high density residential and mixed use commercial and basically working together so they both support themselves so the people who lived there could work nearby, have places to shop, entertain and have recreation and convenient opportunities to get to work via the transit corridor, the freeway or bus rapid transit. The proposed site could not achieve what Staff envisions as connected and integrated and on the other hand the plan does not define what those were. Connectivity could be created between the projects; at a minimum by the major roadways along Donna Street and Rome Boulevard that people could walk along and there were connections off of Deer Springs and Rome Boulevard and an opening could be created to the rear of the project to create connectivity. When the developer and Staff come forward on the commercial, they can work on the next level to find a way to integrate the remainder of the plan. North Fifth Street was designed to be pedestrian friendly. There is more than 75% commercial planned and no high density residential planned. The proposed application provides the vision the plan called for in the mixed use commercial, which could not be done with R-2 zoning. There was a neighborhood meeting held with seven or eight people in attendance, who filled out forms showing their thoughts on the project (copies submitted for the record).

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Scott Sauer, (no address stated)** indicated he lived within three quarters of a mile from the project. He understood there was a concept but there was no guarantee of what would be built. He was willing to consider R-3 if there was a site plan associated with it. He was opposed to the zone change without a site plan submitted along with the application. The applicant was applying a different set of rules when it was R-3 that was being considered.

Chairman Brown closed the Public Hearing.

Mr. Garcia explained mixed use did not mean vertical mixed use. The plan was very clear that horizontal mixed use was permissible. The residents did not like the idea of commercial being on their street. The project was not an idealized version of mixed use and the property was not under single ownership control and the City and developers should work together to try to make the best possible plan. It could have been foreseen what would happen when the plans were drawn up. The proposed project was a retrofit and was coming in after the fact. The challenge was how to tie and interface the pieces together and create a best fit.

Vice-Chairman Dilip Trivedi was in support of the application because when the Kohl's application was approved, mixed use was not a requirement, so the proposed site was an island property. Mixed use would put more traffic on Donna Street than residential would.

Commissioner Willard Ewing did not see how you could create an R-2 development on two acres.

Commissioner Jay Aston was concerned that if the application was approved, there would have to be an amendment to the Comprehensive Plan; so there was a strong recommendation by Staff to continue the application until the Comprehensive Plan was amended to R-3 and asked for feedback from the applicant. He also agreed with supporting the application but there were challenges. Two acres was a small parcel and if there was more assemblage, with access from Rome Boulevard it would be more conducive to being supported by the Commission and Staff, but the Comprehensive Plan would still need to be amended.

Mr. Garcia did not agree because the Master Plan stated residential was appropriate in mixed use. If amending the Comprehensive Plan was the best vehicle to allow that, he was happy to do it and asked for advisory direction he could take back to his client.

Commissioner Aston questioned Mr. Garcia if his approach was that it was currently mixed use, why was the forward momentum stopped and he was just going forward with mixed use. Why was there an application before the Commission to amend it to R-3.

Mr. Garcia explained mixed use allowed for higher density, up to 25 units per acre, and R-2 does not allow for that density.

Commissioner Aston clarified the Master Plan was Mixed use but the zoning was not.

Mr. Garcia Responded that was correct.

Commissioner Aston asked Staff if the Master Plan was mixed use, why the application could go forward with mixed use and the project go forward and as it went forward and site plans were reviewed, the foot traffic could be looked at, or if that was a legal issue.

Deputy City Attorney Bethany Sanchez responded her concern was that there was not a non-conforming zone change. So, as long as the Master Plan was mixed use and there was mixed use in the zoning, she was okay with it. However, whether this particular project, meets that zoning change, she would let Planning and Zoning Staff respond to that. She was uncomfortable allowing a zoning change without an amendment to the Master Plan going forth at the same time.

Commissioner Aston asked if the potential for foot traffic into the commercial area in the future was out of the question at this time.

Deputy City Attorney Sanchez responded she was not very familiar with the project layout and design, but was not sure if it was a true mixed use development. If the foot traffic could be increased, she would be more comfortable with it from a legal standpoint, that it was truly a mixed use project.

Mr. Garcia explained there was no mixed use, but the zoning would be R-3.

Commissioner Aston asked if there was not a mixed use zoning.

Mr. Eastman responded there were three mixed use zoning classifications in the Zoning Code.

Mr. Garcia pointed out on the zoning map there were mixed use centers and then there was R-3. The mixed use category does not specify the type of zoning.

Deputy City Attorney Sanchez pointed out the zoning would be Mixed Use Development (MUD).

Commissioner Aston asked Staff why they were not looking at an application for MUD zoning.

Mr. Eastman responded that was an option for the applicant to come in with mixed use and then if he could show a mixing so the residential use could be integrated with the commercial, then that mixed use development zoning could be approved and could be compatible with the underlying land use of mixed use commercial.

Commissioner Aston understood that the applicant could go with an MUD zoning request but would have to show some linkage between the two properties or he would have to go forward with requesting R-3 zoning, we would have to amend the Comprehensive Plan.

Deputy City Attorney Sanchez responded by explaining there were no other non-conforming zone changes in the City, so from a legal standpoint, if that was the desire of the Commission, it would force her to file an appeal which she did not want to do.

Commissioner Aston explained he was asking the questions so there was more clarity in what direction to take.

Deputy City Attorney Sanchez explained the application could be continued to allow the Amendment to the Master Plan (AMP) to be heard at the same meeting, if the applicant were to agree, so it would be R-3, with the multi-family on both.

Commissioner Aston asked Mr. Garcia if he was leaning toward the AMP and the R-3 zoning or the mixed use development.

Mr. Garcia responded he would discuss it with his client, but the AMP would probably accomplish what Staff was discussing would be the simplest and cleanest way. He would continue the application to be heard with the AMP.

Commissioner Aston explained one of the major issues was that the parcel was an island unto itself and there may be just as many challenges moving forward with an R-3 amendment and suggested a continuance to allow time to discuss with the applicant and meet with Staff.

Chairman Brown asked what kind of density you could get with an MUD.

Mr. Eastman responded with the underlying land use, they could get up to 25 units per acre, if it could be shown through the design. When the MUD moved forward, you would see the design of the site and with the AMP, it was just bare land for the AMP and rezoning.

Chairman Brown stated if the applicant came back with an AMP for one two acre parcel, it would be tough and suggested denying the application and possibly going for the MUD.

Mr. Garcia stated he would go for a continuance and take comments back to his client and decide the best course of action.

Chairman Brown asked if the application could be continued if the applicant was coming back with a different zoning.

Deputy City Attorney Sanchez explained the application could be continued and if a new application for an MUD were to come before the Commission, the current application could be withdrawn and if an application were submitted for an AMP, the current application would be considered along with that application.

Commissioner Laura Perkins did not see mixed use going on a two acre parcel, as you could not get 75% commercial use. She felt R-3 was more appropriate due to the commercial in the area. She was undecided.

Chairman Brown stated if it was an MUD, the current rezoning application would be withdrawn and the commercial behind would provide the commercial segment.

ACTION: CONTINUED TO JUNE 13, 2012

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

2. **ZOA-01-12 (44407) AMENDMENT TO TITLE 17 - GROUP HOMES (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.20.010 (PERMITTED USE TABLE); SECTION 17.20.020 (USE SPECIFIC STANDARDS); AND SECTION 17.32.030 (DEFINITION OF TERMS) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO AMEND THE DEFINITIONS AND USE SPECIFIC STANDARDS FOR INSTITUTIONAL LIVING FACILITIES; INCLUDING GROUP HOMES, HALFWAY HOUSES, TRANSITIONAL HOMES AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the application affected residential facilities for groups and halfway houses for recovering alcoholics and drug abusers. There were a number of standards that involve a separation requirement of 1500 feet and requirements for lot sizes and indoor recreation space or indoor living space requirements which help to determine occupancy. With the new proposal, there were a number of definitions being adopted that were given from the State legislature and with the changes in the Statutes there was a requirement that all entities adopt the terms and definitions; so, one component was adopting the definitions and the other was changing the standards. The changes in Standards brings the City into compatibility and consistency with most other jurisdictions in the valley. Other jurisdictions in the valley have a distance separation of 660 feet, which would be added to the Code and were eliminating a number of the criteria regarding lot size and occupancy. We were going to a straight occupancy of 10. If a home wanted to have more than 10 residents, a use permit would be required. Also, there would be a distinct difference, in that group homes would be thought of as less than 10 occupants and a home with more than 10 occupants, would be considered an assisted living facility. With these changes the City would be more consistent with other entities in the valley and would ensure compliance with new regulations by the State and the criteria in the Federal Fair Housing Acts.

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Marisa Kagan, 7108 Manzanares Drive, North Las Vegas, NV 89084** was upset as her CC&R's state there were to be no businesses allowed in their development; however, this ordinance would override that rule for group homes. The way the ordinance would read; it would allow up to five group homes in her neighborhood. She was not against group homes, but felt it was unfair to homeowners as they buy their home thinking there were no businesses allowed and then find out group homes are allowed.

Mr. Eastman understood Ms. Kagan's concerns, but from a Staff perspective they have put in as many restrictions and criteria as they felt was allowed by the parameters given by the Federal Fair Housing Act. The Federal Fair Housing Act trumped the City's Code, the State's Statutes and would trump any CC&R's so the law that was crafted was in compliance with as much restrictions as possible and still be in compliance with Federal Law.

Commissioner Laura Perkins asked why the indoor common space was removed.

Mr. Eastman explained it was based on the court case that brought everything to light. The findings were that you could not treat a group home differently than a single family home. Indoor living space was not required for a single family residence, other than what was in the Building Code and a group home would be required under that also and would have to be treated equally.

Chairman Steve Brown asked why 17.20.020.4.a and 5.a had the words "This condition cannot be waived" deleted. Also, it appeared in 17.20.020.4.h the Planning Commission participation was being removed from the Code and asked if there was no leniency at all and approval was at Staff level.

Mr. Eastman explained 4.h was dealing with the distance separation requirements and asking for a waiver of the distance separation requirements and with the waivers they needed to show to the Planning Commission these were the things to show they would comply with other portions of the code. Because the distance separation is a straight 660 feet and unless there is a barrier, they cannot be closer than that. When the Planning Commission would be more than 10 residents, it required a use permit and would be required to come before the Commission as would any residential medical facility which was 10 or more dwelling units in one building.

Chairman Brown asked about 17.20.020.4.g, changing the right-of-way from 120 feet to 100 feet.

Mr. Eastman responded that was done to be consistent with other entities in the valley.

Commissioner Dean Leavitt stated over the past 12 years he had taken exception when he was told he was not needed and felt the Board held an integral part of the city government process and feels the residents feel they are able to voice their concerns and have them heard and understood. If he was the sole deciding individual on the Board, he would tell the City Council to make their decision and then let the Commission know where or if, they could help in the process.

Vice-Chairman Dilip Trivedi asked Staff if there were only nine residents, the Ordinance would not apply.

Mr. Eastman responded if there were only nine residents, a use permit would not be needed.

Deputy City Attorney Bethany Sanchez explained she understood the Commission and explained Staff struggled long and hard and were very aggressive in what was currently in the Code and pointed out the County was the entity that was sued and lost. Their ordinance was struck down so they were forced to make changes. Staff tried to revise the ordinance to be in compliance with the Federal Fair Housing Act. The distance separation requirement was not meant to be for the neighbors. It was meant so foster care homes were not next to each other because it was not fair to the children. They wanted the foster children to have a normal neighborhood experience. So, as Staff, they were trying to comply with the Federal Fair Housing Act. They could not put previous requirements in the Code. The City must make the changes that were required by the State. She was open to suggestions by the Commission.

Chairman Brown was opposed to the Federal Government dictating how group homes should be handled and wanted to know if there was a way to appeal their decision.

Ms. Kagan asked if the Commission could deny the application.

Chairman Brown responded if the majority felt the application should not be approved, that was a possibility.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: Chairman Brown, and Commissioner Joiner-Greene

ABSTAIN: None

3. **UN-11-12 (44396) SUN AUTO TRANSMISSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUN AUTO SERVICE ON BEHALF OF J & N DEVELOPMENT INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOTIVE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 110 MAYFLOWER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-612-016. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to have an automobile repair facility within an existing 9,000 square foot building. Based on the Code, the building and the use were compatible with the existing neighborhood and was in compliance with the parking requirements. One card was received in opposition to the proposed use. Staff was recommending approval of UN-11-12 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. All work shall be conducted within the building.
3. The outside storage of vehicles shall be appropriately screened from view.
4. If a trash enclosure is installed, it shall not occupy any of the required parking spaces and it must be located away from the street front and appropriately screened from view.

Matt Tourney, 7422 McAllister, Tempe, AZ 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

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

4. UN-12-12 (44424) ON RAMP TRANSPORTATION SERVICES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ON RAMP TRANSPORTATION SERVICES ON BEHALF OF JR TL LTD, LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOTIVE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 4380 DONOVAN WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-701-003 AND 139-01-702-004. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to use an existing building that was over 8,000 square feet. According to the site plan they would be able to comply with the parking, which would be on two parcels because the old Donovan way alignment, even though it was vacated in 2008, had not been recorded as the applicant had not submitted proper paperwork to Public Works. Staff also noticed the applicant had a construction trailer being utilized as an office, which was not allowed. Staff was recommending that UN-12-12 be continued to allow the applicant time to submit necessary paperwork to Public Works in order to fulfill the requirements for the vacation of Donovan Way. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. All work shall be conducted within the building.
3. The temporary construction trailer shall be removed from the site.
4. The parking area located to the east being used for vehicles/trailers/trucks shall be paved or an appropriate barrier shall be provided to prevent parking.
5. A technical drainage study update is required prior to issuance of any permits for the project and prior to submittal of the civil improvement plans, if required.

Randy Olsen, 4697 Country Cliff Drive, Highland, UT appeared on behalf of the applicant and explained the trailer was not in the arena they were working with. It was another group that does not have anything to do with his business and asked that his business not be hampered by something not related to it. The applicant entered into an agreement with Cashman to lease out the facility and in the lease it stated the purpose was for service and repair of equipment, semi-trucks and trailers. The business model was planned on that basis and they expected to generate over one million dollars in revenue and if they could not perform their business model, they would not be able to generate the revenue that was expected.

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

Chairman Brown closed the Public Hearing.

Chairman Brown asked Staff if the application could be approved and then the vacation be completed at a later date.

Jennifer Doody of Public Works explained with the business already being on site, they would not have a way to get the required paperwork completed for the vacation because the property owner would not need to come to the City for anything else.

Commissioner Jay Aston asked if the vacation was for power.

Ms. Doody responded there were easements left in place for power and that was what was holding up the vacation was the letter from Mrs. Cashman stating she was okay with the easements Nevada Power was requesting to remain in place after the vacation was recorded; and, once the letter was received, the vacation could be recorded.

Chairman Brown clarified if the application was approved, the business could get started or would they have to get a business license.

Mr. Jordan responded the applicant would have to go through the formal process of obtaining a business license.

Chairman Brown asked if the application could be conditioned on the vacation.

Mr. Jordan explained the vacation was approved in 2008 and had the conditions placed on it. The applicant would have to work with Public Works to fulfill the conditions.

Commissioner Aston understood there was a vacation applied for in 2008 and there was still conditions that had not been fulfilled, so Public Works was requesting they be fulfilled before the use permit was approved. Commissioner Aston asked Mr. Olsen if he was aware of the conditions for the vacation.

Mr. Olsen responded he was not aware of the condition regarding the vacation and this was the first he had heard of it. The facility was leased for the purpose of the use they were applying for.

Commissioner Aston recommended the application be tabled to the end of the meeting so the applicant could meet with Public Works regarding the issue of the vacation.

The application was tabled to end of meeting.

Item No. 5 was heard next.

The Continuation of Item No. 4 was heard after Item No. 6 as follows:

Mr. Olsen stated he understood there was no communication between the Planning Commission and Cashman, who is the owner of the property, and he should have been aware of things but was not. He understood they were faced with the fact that all the Public Works Department was looking for was a letter stating they accepted the fact that it was vacated as a roadway and was part of their property. That does not require a whole lot of thought to say it makes sense; but, since they were not aware of it, they had no communication with Cashman or anyone else on the issue. He was concerned that he had done everything possible to get their business up and running and he petitioned the Commission to consider the fact that he would follow up on the issue but asked for approval of his application so he could move forward. He would be okay with a condition that gave a certain length of time to obtain the letter from the property owner.

Commissioner Dean Leavitt recommended a condition be added so the application could be approved.

Deputy City Attorney Bethany Sanchez explained currently because the vacation had not been recorded, there was a parking lot sitting on public property that there was no encroachment permit or easement given. Until they could get the vacation recorded, she felt uncomfortable having a private development constructed over public property.

Ms. Doody explained the vacation application was submitted. The problem was, the vacation was part of the Craig Road overpass project so there were some hangups and hiccups with the whole vacation because it was part of the Craig Road overpass project and there were issues with the Cashman site and the Craig Road property and all that played into the vacation getting heard by the Commission and being approved and then nothing else happened. The project and the parking lot all got built without the vacation being recorded.

Chairman Brown understood the vacation needed to be recorded and asked how that could be rectified without affecting the applicant. The use permit has nothing to do with whether or not a vacation was recorded.

Deputy City Attorney Sanchez explained the parking lot was not permitted on public property and until that can be rectified she was not comfortable approving the special use permit that does not take into consideration the approved vacation. There would be two approvals that were not consistent.

Chairman Brown pointed out the property was currently being used.

Mr. Jordan explained under the parking requirements, 16 parking spaces were required and even though there were 28 spaces available, because the vacation had not recorded, only 11 spaces were available for use; therefore, denial could be recommended because parking requirements had not been met for the proposed use. Even though the vacation went with the property owner, the applicant had a use and was required to have 16 parking spaces and was unable to provide them.

Chairman Brown suggested the parking be waived.

Mr. Jordan explained the parking could not be waived for this use permit.

Deputy City Attorney Sanchez asked if she could suggest a condition.

Chairman Brown responded he would consider a condition.

Robert Eastman, Principal Planner read the following Condition No. 5: "The documentation for VAC-02-08 shall be submitted by the property owner within two years of approval of the business license".

Mr. Olsen agreed to the new condition as read into the record.

Mr. Eastman also recommended that Condition No. 3 be deleted.

Mr. Jordan explained Condition No. 3 was being removed; but, the construction trailer still had to be removed, which was not the responsibility of the applicant.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 3 AND CONDITION NO. 5 ADDED TO READ:

5. THE DOCUMENTATION FOR VAC-02-08 SHALL BE SUBMITTED BY THE PROPERTY OWNER WITHIN TWO YEARS OF APPROVAL OF THE BUSINESS LICENSE.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Public Form was heard next.

5. WAV-01-12 (44399) BHP MULTI-FAMILY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BHP INVESTORS CORPORATION ON BEHALF OF WILLIS SPRINGS LLC, PROPERTY OWNER, FOR A WAIVER TO TITLE 17 TO SET ASIDE REQUIRED OPEN SPACE. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-201-009. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop the site with an approximate 216 unit multi-family apartment complex for a density of a little over 20 units per acre. The applicant was required to provide 86,400 square feet of open space and was proposing to provide 64,800 square feet, which equated to a 31 percent reduction in the required open space, which was a reduction of 26,784 square feet of open space but was an 8 percent reduction of usable open space of which 75 percent must be usable so it was an eight percent reduction which equates to 5,498 square feet. The applicant was proposing the open space in three areas. The applicant had to demonstrate there were compensating benefits and were able to choose from five different things and because the waiver was only 50 percent of the requirement, they were only required to supply one compensating benefit. Staff was recommending approval of WAV-01-12 and that it be forwarded to City Council for final consideration with the conditions listed in Memorandum dated April 11, 2012 as follows:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. The following amenities shall be provided within the large open space area:
 - a. Clubhouse, approximately 3,000 square feet in size, with an attached covered patio of approximately 1,000 square feet. Not more than one third of the clubhouse may be used for leasing and maintenance space.
 - b. One swimming pool with an area of approximately 800 square feet.
 - c. One wet deck with an area of approximately 800 square feet. In addition, a 15' X 30' shade structure shall be provided over a portion of the wet deck. Such shade structure shall be designed using similar materials and colors as the club house.
 - d. One (1) spa.
 - e. A minimum of five (5) cabana's with a minimum dimension of 10' X 10' shall be provided within the pool area.
 - f. Three (3) BBQ areas, each with a minimum dimension of 30' X 30'. In addition, each BBQ area must contain three (3) picnic benches, and one BBQ grill. The BBQ areas must also be covered with a shade structure having a minimum dimension of 15' X 30'. The design of the cover shall

- match the design of the apartment buildings, and use similar materials and colors.
- g. Two (2) differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada shall be provided in the area west of the club house.
 - h. Both recreational areas east and west of the clubhouse shall be developed with turf to serve as large open group/play areas.
 - i. A minimum of four (4) doggie stations shall be provided.
 - j. Provide benches along the sidewalk within both recreational areas east and west of the clubhouse.
3. The following amenities shall be provided within each of the smaller open space areas:
- a. One BBQ area with a minimum dimension of 10' x 10'. In addition, each BBQ area must contain one (1) picnic bench, and one BBQ grill.
 - b. One (1) doggie station.
4. A minimum of 20, 24-inch box trees per acre shall be planted throughout the development.
5. All pedestrian crossing shall be designed using stamped or colored concrete.

Larry Tindell, Green Tindell Design Group, 1761 Carlos Drive, Las Vegas, NV appeared on behalf of the applicant explaining one of the biggest issues was the slope of the property. He explained the challenges of the project and what was planned for the site and indicated they 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 LISTED IN MEMORANDUM DATED APRIL 12, 2012; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None

6. SPR-03-12 (44398) BHP MULTI-FAMILY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BHP INVESTORS CORPORATION ON BEHALF OF WILLIS SPRINGS LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A 216 UNIT MULTI-FAMILY RESIDENTIAL COMPLEX. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-201-009. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending that they remove eight parking spaces and provide landscaping. Staff believed it would help break up the parking lot. Also half diamonds should be provided every four parking spaces along the row along Sparrow Gull. The applicant has what appears to be open stairwells that should be integrated into the design of the building to conceal them. There were two cards received in opposition and one in support of the application. Staff was recommending approval of SPR-03-12 subject to the following conditions:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. This site plan review shall become null and void should the City Council determine that approval of WAV-01-12 to set aside a portion of the open space requirement is not warranted.
3. The development shall comply with the Multifamily Design Standards, including but not limited to the following:
 - a. External stairways shall be integrated into the building design.
 - b. Eight (8) parking spaces, four (4) on each side of the drive aisle shall be removed within the center of the parking lot adjacent to Sparrow Gull Court.
4. Two pedestrian gates shall be provided on the north property line at both the east and west sides of this development.
5. Landscaped half diamonds shall be provided for every four (4) parking spaces in the parking row fronting Sparrow Gull Court. Each landscaped diamond shall contain one 24-inch box tree in addition to required ground cover.
6. A minimum three (3) foot high decorative screen wall shall be provided behind the required landscaping next to Sparrow Gull Court. Wrought iron may be allowed on top of the decorative wall, provided the overall height of both the decorative wall and wrought iron fence do not exceed eight (8) feet.

7. Open space and amenities shall be provided as required per WAV-01-12.
8. 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.
9. Approval of a drainage study is required prior to submittal of the civil improvement plans.
10. Approval of a traffic impact study must be accepted prior to submittal of civil improvement plans.
11. The existing bus turnout dedication on Gowan Road shall be vacated and a new bus turnout closer to the intersection shall be dedicated and constructed per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 234.1 and 234.2.
12. An exclusive right turn lane shall be dedicated and constructed at the proposed driveway on Gowan Road. A minimum of 150 feet of storage shall be provided.
13. As shown on the site plan, the proposed driveway on Gowan Road must align with the driveway on the south side of the street.
14. 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. Commerce Street
 - b. Gowan Road
 - c. Spandrels for Sparrow Gull
15. 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.
16. The property owner is required to grant a roadway easement for commercial driveway(s).

17. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
18. A revocable encroachment permit for landscaping within the public right of way may be required.
19. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
20. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
21. All off-site improvements must be completed prior to final inspection of the first building.

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

Chairman Brown closed the Public Hearing.

Chairman Aston asked if the City Council approving the waiver, would affect this application.

Mr. Jordan responded if Council did not approve the waiver, this application would be impacted and Condition No. 2 covered that.

Commissioner Dean Leavitt was okay with the stair wells as shown on the site plan and recommended they be left as shown.

Mr. Tindell explained the way the units were designed, there was less stairwell visible than most three story buildings. He agreed to the requested changes in the parking.

Vice-Chairman Dilip Trivedi asked Staff if the Code required landscape fingers in the parking lot.

Mr. Jordan explained that was the old Code and the new Code does not. There have been many times where diamonds have been supported in lieu of removing landscape islands.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
THE DELETION OF CONDITION NO. 3.A

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

The continuation of Item No. 4 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:53 p.m.

APPROVED: May 9, 2012

/s/ Steve Brown
Steve Brown, Chairman

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