

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

October 10, 2012

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

CALL TO ORDER: 6:01 P.M., Council Chambers, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada

ROLL CALL: Chairman Steve Brown - Present
Vice-Chairman Jay Aston - Present
Commissioner Laura Perkins - Present
Commissioner Sylvia Joiner-Greene - Present
Commissioner Willard Ewing - Present
Commissioner Nelson Stone - Present
Commissioner Felix Acevedo - Absent

STAFF PRESENT: Frank Fiori, Community Services & Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Rudd Sanchez, Sr. Deputy City Attorney
Jennifer Doody, PW Development & Flood Control
Eric Hawkins, Public Works, Traffic
Clint Fuji, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Steve Brown

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Will Ewing

PUBLIC FORUM

There was no public participation.

Item Nos. 3 and 7 were heard next.

MINUTES

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF
SEPTEMBER 12, 2012 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Vice-Chairman Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-32-12 (45042) FLEXIBLE FOAM PRODUCTION FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OHIO DECORATIVE PRODUCTS INC. ON BEHALF OF GOLDEN TRIANGLE INDUSTRIAL PARK, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE USE OF HAZARDOUS MATERIALS (TOLUENE DIISOCYANATE) IN THE MANUFACTURING OF POLYURETHANE FOAM. THE PROPERTY IS LOCATED AT 2912 EAST LA MADRE WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-36-311-001. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the use permit was to allow the storage and use of hazardous material. The applicant proposed to use Toluene Diisocyanate used in the manufacturing of polyurethane foam. The applicant intends to use and create polyurethane foam which would be used in mattresses, seats, etc. The hazardous material would be stored in three 20,000 gallon tanks and the amount was classified as a hazardous material under Nevada Administrative Code; therefore, the governing body must approve the use of the hazardous material. If the use was approved, the application would be forwarded to City Council for final consideration. When reviewing the storage and use of the chemical, it was most dangerous in a vapour form and should be handled within an enclosed building. The manufacturer was proposing to use the product in an enclosed manufacturing building and the material would be stored in tanks outside the building. Both the Utilities and Fire Departments have reviewed the storage and use of the material and based on their approval, Staff was recommending approval of UN-32-12 and that the application be forwarded to City Council 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. The site shall comply with all conditions of SPR-04-12.
3. Hazardous materials in excess of the exempt amounts as defined and determined in the adopted Fire Code shall not be used or stored until such time the building can be shown to comply with the adopted Building and Fire Codes and associated National Fire Protection Association standards.

Chairman Steve Brown recognized Councilwoman Anita Wood.

Bill Curran, Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Ste 1750, Las Vegas, NV 89106 appeared on behalf of the applicant along with **George Rogers, Architect, 6325 South Jones Boulevard, #100, Las Vegas, NV 89118**, the project architect. Mr. Curran showed a visual of what the site would be when it was complete. There was a series of individual buildings that would be joined together to create one self-contained structure and there would be one canopy that would not be enclosed. The project was compliant with the master plan and zoning and was consistent with the purposes identified for the Golden Triangle. The raw product could be delivered by rail and transported out via trucking. The product would be sold primarily for use by industries for furniture, bedding, transportation such as car seats, and would also be used in packing for fragile materials. The applicant has a number of other locations around the Country. The business would also have a positive economic impact on the community and the project would open with approximately 25 employees and expand to approximately 75 to 90 employees. Mr. Curran understood there were hazardous chemicals being used and explained measures were being taken to make sure there were no problems with the chemicals. The process was being done in an enclosed building and did not pose a risk of fumes being released into the air.

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

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins asked if the amount of product being stored was for use in a week, or month.

Mr. Rogers responded, depending on the production schedule, the amount of chemical stored would be used in a two to three week or five to six week period of time and that, generally, product would be delivered on that time schedule.

Mr. Curran added that it was noted in the Staff Report that the storage tanks were located outside the building; but, they were actually located inside the building.

Commissioner Nelson Stone asked when the chemical was separate, if there was a leak, if the chemical was corrosive or acidic and would react with the concrete floor or some of the building materials.

Mr. Rogers explained the various codes referred to the chemical as a toxic not a corrosive or combustible, so it would not eat through concrete and pointed out the chemical would be stored separately and separated by fire rated walls from other chemical and other activities and occupancy in the building and had its own secondary containment for the largest container plus extra.

Commissioner Stone asked if the chemical was reactive to water or if it absorbed humidity from the air.

Mr. Rogers explained water, along with other additives, turned the chemical into foam.

Commissioner Stone asked if the fire sprinklers going off would cause a problem.

Mr. Rogers responded that according to their fire consultant, the chemical was marginally reactive with water.

Commissioner Stone asked the fire consultant to come forward to explain what was meant by marginally reactive to water for the record.

Joe Noble, 6325 South Jones Boulevard #400, Las Vegas, NV 89118 explained to be classified as marginal, if the material was wet, it formed into a crystalline substance which would coat the TDI, so you would still have liquid below, but would have a crystalline surface. It did react to water but did not cause an explosion. The system was a completely closed system so the only time any type of TDI would be emitted was when the actual mixture was poured into a pan to make the foam.

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

MOTION: Vice-Chairman Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

2. **SPR-04-12 (45043) FLEXIBLE FOAM PRODUCTION FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OHIO DECORATIVE PRODUCTS, INC. ON BEHALF OF GOLDEN TRIANGLE INDUSTRIAL PARK LLC, PROPERTY OWNER, FOR A MAJOR SITE PLAN REVIEW TO ALLOW THE ADDITION OF APPROXIMATELY 91,000 SQUARE FEET OF MANUFACTURING AND WAREHOUSE AREA TO AN EXISTING INDUSTRIAL DEVELOPMENT IN AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT 2912 EAST LA MADRE WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-36-311-001. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the Buildings were in compliance with the Design Standards and the original truss manufacturer was built in 1997 prior to the development of the Industrial Design Standards. The original buildings were made of concrete tilt up with a green decorative band running mid-point around the building. The applicant intends to construct the new building from textured metal panels with epoxy finish to match the existing building. Additionally, the fence and wall combination used was a combination of chain link and concrete tilt up panels, which was not in conformance with the Design Standards; however, since it was built prior to the Design Standards and the applicant was not amending the fence, Staff was okay with letting it continue with some additional landscaping to help mitigate and offset the use of the chain link. The applicant was proposing to use three Mondale Pines and additional shrubs. Since it was a 100-foot section, Staff felt that four Mondale Pines staggered with the existing trees would provide a more effective hedge. Other than that, Staff was in support of the proposed use of the fence. There were some locations where the plants would need to be replaced. Parking was adequate and the applicant indicated they intended to use the railroad spur for their chemicals to be delivered. Staff was recommending approval of SPR-04-12 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, including, but not limited to, providing additional trees and shrubs along Statz Street, Berg Street, and La Madre Way to comply with the landscaping requirements in 17.24.080.
2. For every 100 lineal feet of chain-link fence along Statz Street, Berg Street, or La Madre Way, an additional four, 24-inch box trees and six, 5-gallon shrubs shall be added to the existing landscaping. The trees shall be planted to create an offset double row of trees in these locations.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Approval of a traffic study update is required prior to submittal of the civil improvement plans.

5. Complete building code analysis is required for any existing building with change of occupancy classification. Existing building needs to comply with all the code requirements for the new occupancy.

Bill Curran, Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Ste 1750, Las Vegas, NV 89106 appeared on behalf of the applicant asking that his comments from Item No. 1, UN-32-12 be incorporated in this item as follows:

Bill Curran, Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Ste 1750, Las Vegas, NV 89106 appeared on behalf of the applicant along with **George Rogers, Architect, 6325 South Jones Boulevard, #100, Las Vegas, NV 89118**, the project architect. Mr. Curran showed a visual of what the site would be when it was complete. There was a series of individual buildings that would be joined together to create one self-contained structure and there would be one canopy that would not be enclosed. The project was compliant with the master plan and zoning and was consistent with the purposes identified for the Golden Triangle. The raw product could be delivered by rail and transported out via trucking. The product would be sold primarily for use by industries for furniture, bedding, transportation such as car seats, and would also be used in packing for fragile materials. The applicant has a number of other locations around the Country. The business would also have a positive economic impact on the community and the project would open with approximately 25 employees and expand to approximately 75 to 90 employees. Mr. Curran understood there were hazardous chemicals being used and explained measures were being taken to make sure there were no problems with the chemicals. The process was being done in an enclosed building and did not pose a risk of fumes being released into the air.

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

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins asked if the amount of product being stored was for use in a week, or month.

Mr. Rogers responded, depending on the production schedule, the amount of chemical stored would be used in a two to three week or five to six week period of time and that, generally, product would be delivered on that time schedule.

Mr. Curran added that it was noted in the Staff Report that the storage tanks were located outside the building; but, they were actually located inside the building.

Commissioner Nelson Stone asked when the chemical was separate, if there was a leak, if the chemical was corrosive or acidic and would react with the concrete floor or some of the building materials.

Mr. Rogers explained the various codes referred to the chemical as a toxic not a corrosive or combustible, so it would not eat through concrete and pointed out the chemical would be stored separately and separated by fire rated walls from other chemical and other activities and occupancy in the building and had its own secondary containment for the largest container plus extra.

Commissioner Stone asked if the chemical was reactive to water or if it absorbed humidity from the air.

Mr. Rogers explained water, along with other additives, turned the chemical into foam.

Commissioner Stone asked if the fire sprinklers going off would cause a problem.

Mr. Rogers responded that according to their fire consultant, the chemical was marginally reactive with water.

Commissioner Stone asked the fire consultant to come forward to explain what was meant by marginally reactive to water for the record.

Joe Noble, 6325 South Jones Boulevard #400, Las Vegas, NV 89118 *explained to be classified as marginal, if the material was wet, it formed into a crystalline substance which would coat the TDI, so you would still have liquid below, but would have a crystalline surface. It did react to water but did not cause an explosion. The system was a completely closed system so the only time any type of TDI would be emitted was when the actual mixture was poured into a pan to make the foam.*

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

Chairman Brown closed the Public Hearing.

Commissioner Nelson Stone asked, with regards to the railroad spur and how the chemicals would be off-loaded, if the design criteria was being met with the hazardous materials.

Mr. Eastman explained the proposed site would need to comply with all Fire Codes that dealt with hazardous materials transport from the rail cars to the storage tanks as well as any additional criteria that would be put out by Public Works Environmental.

Commissioner Stone asked who owned the railroad spur.

Mr. Rogers responded it was his understanding that Union Pacific Rail Road serviced the site and it was a question they had also asked.

Commissioner Stone felt the rail road may also have some conditions the applicant would have to comply with and suggested they might want to check on that.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

3. **UN-33-12 (45060) MAVERIK – CAREY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MAVERIK INC. ON BEHALF OF DENBESTE NEVADA PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-15-801-021 AND 022. (FOR POSSIBLE ACTION)**

Item Nos. 3 and 7 were heard together.

It was requested by the applicant to continue UN-33-12 to November 14, 2012.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO NOVEMBER 14, 2012

MOTION: Commissioner Perkins

SECOND: Vice-Chairman Aston

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

NAYS: None

ABSTAIN: None

4. **UN-34-12 (45091) WESTLAND CORPORATE CENTRE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NANCY C. CASTILLO ON BEHALF OF WESTLAND ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (BEER AND WINE). THE PROPERTY IS LOCATED AT 4339 CORPORATE CENTRE DRIVE, SUITE 100. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the overall site was a little more than 19 acres but was only half built and the remaining portion of the site was undeveloped. The applicant was proposing to create a banquet hall to be rented for weddings, birthdays and special occasions and because the applicant was intending to allow the consumption of beer and wine on site, a special use permit for beer and wine was required. They were required to meet the 400-foot separation requirement from any school, day care, churches and parks and had submitted their affidavit and notarized form from a certified surveyor showing they were in compliance. Under normal circumstance a large assembly use may not be the best or most appropriate use in an industrial area, but since the industrial development was underdeveloped and mostly vacant, Staff felt the use was compatible with the existing uses; however, when newer uses come into the area, the current use would have to be considered. Parking was adequate, as shared parking could be utilized as there would not be any conflict in the times of use for the office/warehouse and the banquet hall. Staff was recommending approval of UN-34-12 subject to the following condition:

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

Nancy Castillo, 4339 Corporate Center Drive, Suite 300, North Las Vegas, NV 89030 appeared on the application indicating she concurred with Staff recommendation.

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

- **Ken Bauman, 2110 East Flamingo Road, Las Vegas, NV 89119** appeared on behalf of the landlord indicating he was in support of the project.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

5. **UN-30-12 (44984) SILVERLEAF BUSINESS PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CORNERSTONE LV LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A PERSONAL SERVICE ESTABLISHMENT (BEAUTY SALON). THE PROPERTY IS LOCATED AT 5710 SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-29-801-007. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the Commission heard two related applications to amend the Comprehensive Plan and rezone the site, which were not supported by Staff. During the discussion, the Commission directed Staff to come back with an ordinance amendment that would allow a Personal Services Establishment within the C-P District, which was approved by City Council on September 19, 2012. In reviewing the application, the parking requirements were met and the applicant was proposing to have space for 14 licensed technicians. Staff had no objection and was recommending approval of UN-30-12 subject to the following conditions:

1. That, unless expressly authorized through a variance, wavier or another approved method, this development shall comply with all applicable codes and ordinances.
2. The Personal Service allowed shall be limited to a beauty salon or barber shop.
3. Signage may only be located on the existing monument sign and/or as a wall sign subject to Title 17 requirements. An additional freestanding sign shall be prohibited.

Jim Rothermel, 5360 Secluded Brook, Las Vegas, NV 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

MOTION: Vice-Chairman Aston

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

6. UN-31-12 (45009) BETHESDA CHURCH OF GOD IN CHRIST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BETHESDA CHURCH OF GOD IN CHRIST, ON BEHALF OF HCP PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A RELIGIOUS INSTITUTION (CHURCH). THE PROPERTY IS LOCATED AT 3925 NORTH MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-09-101-003. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained the site was a commercial PUD known as the Hidden Canyon Plaza. The suite was a little over 2300 square feet, the sanctuary would be a little more than 1100 square feet with approximately 70 members in the church and the parking was more than adequate to accommodate the use of a church. The applicant indicated services would be held on Sunday morning and evening and also on Wednesday evening. Staff was recommending approval of UN-31-12 subject to the following condition:

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

Pastor Daryl Harris, 1641 Fontana Cliffs Court, Las Vegas, NV 89104 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.

Commissioner Nelson Stone asked if there were any other churches in the center.

Pastor Harris responded there was a non-profit for young children and they had no affiliation. There was also another church a few doors down but they would not be affected by their services.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Stone

SECOND: Vice-Chairman Aston

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

NAYS: None

ABSTAIN: None

Item No. 8 was heard next.

OLD BUSINESS

7. **UN-24-11 (44870) SOMERSET ACADEMY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SOMERSET ACADEMY ON BEHALF OF SCHOOL DEVELOPMENT CENTENNIAL, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT (UN-24-11) IN A C-2, GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION #9 BY REVISING THE SPECIFIC CONFIGURATION AND TURF SIZE OF THE PLAY GROUND. THE PROPERTY IS LOCATED AT 385 CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-27-115-022. (FOR POSSIBLE ACTION) (CONTINUED AUGUST 8 AND SEPTEMBER 12, 2012)**

Item Nos. 3 and 7 were heard together.

It was requested by the applicant to continue UN-24-11 to November 14, 2012.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO NOVEMBER 14, 2012

MOTION: Commissioner Perkins

SECOND: Vice-Chairman Aston

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

NAYS: None

ABSTAIN: None

Minutes were heard next.

8. **VN-03-12 (44960) ELDORADO RCL NO. 25 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR VARIANCES IN AN O-L/DA, OPEN-LAND/DEVELOPMENT AGREEMENT DISTRICT TO ALLOW A TEN (10) FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED, AN 18-FOOT GARAGE SETBACK WHERE 20 FEET IS REQUIRED AND A 12 FOOT FRONT YARD SETBACK WHERE 15 FEET IS REQUIRED FOR ALL 145 PROPOSED SINGLE-FAMILY RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GLIDING EAGLE ROAD AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-21-701-005. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 12, 2012)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant had requested three variances, the first was to allow a ten foot corner side yard setback where 15 feet was required, the second was to allow an 18 foot garage setback where 20 feet was required and the third was to allow a 12 foot front yard setback where 15 feet was required and the applicant indicated on the variance request that for an 18 foot garage setback where 20 feet was required, any lot with a 12 foot setback for the dwelling unit due to the way the garage was designed on the home, the garage would automatically be setback 22 feet from the property line. Mr. Jordan asked that his comments from the September 12, 2012 meeting be carried forward for this item. The only variance supported by Staff was to allow a 10-foot corner side yard setback where 15-feet was required because Eldorado was under a Development Agreement approved in 1988 and the current Zoning Ordinance supported a 10-foot corner side yard setback. The remaining variance requests were not supported by Staff. As for the 18-foot setback for the garage, the applicant had shown on the site plan that they could comply with the 20-foot setback. Staff had concerns that with any garage setback of 18 feet, the automobiles would encroach upon the sidewalk and cause pedestrian and vehicle conflict and from a safety perspective, the reduction in driveway length was not supported. The applicant was proposing three lot sizes and when reviewing the houses shown and using the largest foot print, the applicant would be able to comply with the required setbacks and have more than enough room to fit the largest footprint on any lot. The applicant had not demonstrated a hardship and was working with undeveloped property that had not been subdivided and could design the lots to comply with the proper setbacks.

Staff was recommending approval of VN-03-12, in part only, to allow a reduced corner side yard setback subject to the following conditions:

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

2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. A minimum 10-foot corner side yard setback to the house shall be maintained for all corner lots.

Jennifer Lazovich, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113

appeared on behalf of the applicant showing an exhibit created by their engineer which showed the lots where the 18-foot driveways would be necessary. The 18-foot variance would only be needed for the lots colored in yellow, which totaled 64 lots and within those 64 lots, there would be four product types offered with three being two story and one a single story and, with the single story, the variance request was a front yard setback of 12-feet to the front of the house and a minimum 22-foot setback would be maintained from the property line to the garage. Approximately 25 percent of the homes in the yellow area would be single story, so those driveways would be 22-foot long. In reality, of the 145 lots, only 48 lots would need an 18-foot driveway. There was concern about safety and crowding of the sidewalk. Ms. Lazovich showed photos of homes with 18-foot driveways, showing there was room to park a full size truck without crowding the sidewalk. The engineer drew in the sidewalks on the plan showing sidewalk was in the side yards of some of the lots and on Street "G" there was a sidewalk but, from the pictures shown, the sidewalk would not be blocked if a truck was parked in the driveways. The applicant would agree to a condition limiting the maximum number of lots with an 18-foot driveway to 48 and for all the lots with an 18-foot driveway, the rear yard setback would be at least 17 feet. All of the houses fit the lots, but they wanted to maximize the rear yards. All of the lots would have at least a 17 foot rear yard or more; but, if they were given the 18 foot driveway, the extra two feet would be added to the rear yard. A written disclosure would be provided to the buyer of a home with an 18-foot driveway and if they did not want the shorter driveway, they could purchase anywhere in the green area and have a standard 20-foot driveway. They would also agree to a condition that the CC & R's would contain a provision that would prohibit vehicles from blocking the sidewalk.

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

- **Scott Sauer, no address stated** felt better that the number of lots with 18-foot driveways would be limited. Mr. Sauer explained he went on Toyota's website and checked the length of vehicles with a car being 12' 9 ½" to 16' 6", a pick-up 15' 10 ½" to 17' 6" and an SUV being over 15' to 17' and did not agree that an 18-foot driveway was long enough to park a full size truck. It appeared in the pictures that some of the garage doors were open, making it easier to park the vehicles in the driveway. He pointed out the ordinance required a 24-inch box tree in the front yards and asked if the 12-foot front yard was large enough to accommodate it.

Chairman Brown closed the Public Hearing.

Ms. Lazovich commented, that in the pictures shown of the trucks in the driveways, the garage doors were closed and added that she also used Toyota's web-site for measurements.

Commissioner Jay Aston asked if the waiver for the 12 foot front yard on the single story lots was also on the dark green lots.

Ms. Lazovich explained when the exhibit was created, the yellow area was created for the variance for the 18-foot driveways only and they would like the front yard variance of 12-feet to be on all lots and as pointed out previously, the front yards were not allowed to have grass and added that a 24-inch box tree would fit in a 12-foot front yard with no problem, as it has been done in other developments.

Commissioner Aston asked for confirmation that on one third of the lots, they were requesting an 18-foot driveway.

Ms. Lazovich responded that was correct.

Commissioner Aston asked if the lots with 18-foot driveways had been identified by lot number.

Ms. Lazovich responded they had not, as they wanted the buyer to be able to determine where they could put the single story homes.

Commissioner Aston suggested if the Commission agreed to the variance, there should be an added condition requiring the lots with an 18-foot driveway to be identified by lot number. He understood 18-foot driveways were allowed in the County and the City of Las Vegas and with the front yard setbacks, they went down to 10-foot and because he had a developer's background, he felt when the last ordinance was passed and because things were picking up in the valley, there were additional expenses incurred by the developers with soils mitigation and the fact that North Las Vegas now had solid Design Guidelines which made North Las Vegas one of the more expensive places to build and he felt it was counter productive to bring businesses to the City, and because of that, he could support the application.

Commissioner Will Ewing asked if a buyer wanted a two story house but wanted a longer driveway because he had a longer truck, if he could request that the home be moved back on the lot to have a longer driveway on the yellow colored lots.

Ms. Lazovich responded that option would be available, as the home would still fit on the lot or they may be asked to pick a home on the green colored lots.

Commissioner Ewing asked Ms. Lazovich to respond to the question that the developer was trying to maximize the number of lots they could get in the development.

Ms. Lazovich responded she had asked the engineer to determine if the project was built according to the development agreement, if they would gain or lose lots and after the study was completed, it was determined an additional 10 lots would be gained if the project was built to code in the traditional way and if the project was built with the requested variances those additional 10 lots would be lost, but it was felt they were providing a better product as they were offering larger rear yards.

Commissioner Laura Perkins stated as a home owner, she preferred the larger rear yard, as you could not have grass in a front yard and the rear yard would be more usable and did not feel the 18-foot driveways would be a problem. She was okay with the 10 foot corner side yard setback and felt comfortable with 48 homes having the 18-foot driveway.

Commissioner Sylvia Joiner-Greener also supported the 18-foot driveway to allow a larger rear yard, which would be more usable.

Commissioner Nelson Stone could not recall one instance of seeing a lot layout in the form of a tentative map with a variance request and felt the variance request was self-inflicted and also suggested he would need proof that 10 lots would be gained if the project was built according to the development agreement. He understood there was a development agreement issue with Eldorado and volunteered that probably the land basis for the project was in the original development agreement in the 1980's. He reminded himself and the Board that decisions for variances were not awarded based on economics but was land use planning, ordinance and code.

Chairman Brown asked if the applicant was okay with Condition Nos. 4 and 5 in the recommended conditions.

Ms. Lazovich responded she was in agreement with the addition of Condition Nos. 4 and 5 or had additional conditions that could be added.

Commissioner Ewing asked if Staff would like to give their recommendations in terms of the Conditions if the Commission were to approve the variances with the 48 lots.

Mr. Jordan explained the proposed project was not subject to the current Design Guidelines but was subject to the Eldorado Development Agreement and Zoning Code that was in place in 1988. Staff was uncomfortable with Condition Nos. 4 and 5 as they were not enforceable. A tentative map was not required with the application, so it was difficult to call out lots one through forty or lots one through fifty, with 48 of those lots having an 18-foot setback, as when the tentative map went to record, the lot numbers could change; therefore, it was hard to place a condition on something that was not recorded. One of the things Staff was tasked with was to speed up the development process to try to allow single-family dwelling permits to be done over the counter and a condition was being placed that would require Staff to set up some sort of accounting system to keep track of how many permits had been issued for the lots with 18-foot

setbacks. It would also be difficult on the applicant because if they came in with 49, Staff would be put in a position to have to reject and deny the permit application. In addition, by having another condition that would require any development with an 18-foot garage setback then they would voluntarily place upon themselves a 17-foot rear yard setback and explained the applicant was requesting a reduction in the setbacks and imposing a greater setback than normally required. The developer would sell the homes and move on and should a homeowner decide to expand on their home, they would not be able to expand into the 17-foot setback and would not enjoy the same setback privilege of 15 feet that their neighbor may have, so a greater setback would be placed on the property than was required by Code. Mr. Jordan suggested that if the Commission wished to approve the variance requests, that the application be approved as presented.

Chairman Brown asked if it were possible to designate an area where the 18-foot setbacks would be allowed or if it was better to forget the numbers.

Mr. Jordan responded that could be done, but it would make it more difficult to pull the building permits and would create more research on the part of Staff.

Chairman Brown clarified he meant any lot in the yellow area on the exhibit presented, could have an 18-foot setback.

Mr. Jordan responded Staff did not have a copy of the exhibit.

Ms. Lazovich indicated she had the exhibit created and would leave it with Staff if an area being designated would be best.

Senior Deputy City Attorney Bethany Rudd Sanchez suggested instead of conditioning the variance, a condition could be placed on the tentative map, T-1347, which may be easier and clarify when the map was recorded so that everything would be together.

Ms. Lazovich agreed that was a good idea and asked if she wanted the area or lot numbers designated on the tentative map.

Robert Eastman, Principal planner explained when the tentative map was recorded, the lots could be designated at that time and it would be recorded with the setbacks of the individual lots.

Commissioner Aston liked the idea of the exhibit being identified on the tentative map and asked if a condition could be added requiring the developer to add a disclosure for the lots with the 18-foot setbacks to be signed by the potential home owner.

Ms. Lazovich was agreeable to a condition requiring a disclosure and had suggested that previously.

Commissioner Stone asked Staff if a lot fit analysis was required to be submitted with the plot plans so they would know what was going on and asked if that was still required.

Mr. Jordan responded the lot fit analysis was still required and was kept on file with the Building Department, which was done to help with reviewing the plot plans.

Community Services and Development Director Frank Fiori explained the importance of the tentative map was that it tied back to the lot fit analysis and tied them together.

Chairman Brown asked for wording for conditions for the variance.

Ms. Lazovich explained the additional conditions would be added to the tentative map.

Director Fiori explained the map shown should be submitted for the record and tied to the variance request and then those be carried forward and whatever was granted for the variance be carried forward for the tentative map.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS TO INCLUDE CONDITION NOS. 4 AND 5 AS FOLLOWS:

4. A MINIMUM 18-FOOT SETBACK SHALL BE MAINTAINED TO THE GARAGE.
5. FOR ALL LOTS DEVELOPED WITH A FRONT SETBACK OF LESS THAN 15 FEET AND A MINIMUM OF 12 FEET, THE DEVELOPER SHALL COMPLY WITH THE FOLLOWING:
 - A. THE LOT SHALL BE DEVELOPED WITH A SINGLE STORY HOME.
 - B. A MINIMUM 22-FOOT SETBACK SHALL BE MAINTAINED FROM THE BACK OF SIDEWALK (WHERE SIDEWALKS EXIST) OR THE PROPERTY LINE (WHERE THERE IS NO SIDEWALK) TO THE GARAGE.

MOTION: Vice-Chairman Aston

SECOND: Commissioner Joiner-Greene

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

NAYS: Commissioner Stone

ABSTAIN: None

9. T-1347 (44959) ELDORADO RCL NO. 25. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN O-L/DA, OPEN-LAND/DEVELOPMENT AGREEMENT DISTRICT CONSISTING OF 145 SINGLE-FAMILY LOTS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GLIDING EAGLE ROAD AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-21-701-005. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 12, 2012)

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending approval of T-1347 with the addition of Condition No. 3 to read: "Setbacks shall be permitted and recorded with the final map as approved per VN-03-12. Additionally, the "yellow lots" shown on Exhibit "A" presented on October 10, 2012, shall be permitted with an 18-foot front setback to the garage" and the remainder of the conditions renumbered. The original conditions are as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. This development shall comply with City of North Las Vegas Municipal Code section 16.20.050.P "Terminal streets, not to exceed one hundred fifty (150) feet in length, as measured from the face-of-curb of the intersecting street to the face-of-curb of the terminal street, and with a maximum of four fronting lots, shall terminate in a cul-de-sac with a minimum back-of-curb radius of twenty-four (24) feet.
4. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
5. Approval of a drainage study is required.
6. 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.

7. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.
 - a. The City of North Las Vegas does not permit the construction of any buildings within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). Under this policy, the applicant must meet the following requirements prior to issuance of permits and certificates of occupancy:
 - b. Grading and off-site construction permits may be issued once a copy of the Conditional Letter of Map Review (CLOMR) application has been submitted to FEMA for processing.
 - c. Building permits may be issued once a CLOMR has been obtained from FEMA.
 - d. Certificates of Occupancy can be issued once a Letter of Map Revision (LOMR) has been obtained from FEMA.
8. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Way.
10. If not already existing, dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and/or City of North Las Vegas Municipal Code section 16.24.100:
 - a. Deer Springs Way
 - b. Gliding Eagle Road
11. All residential driveway geometrics shall be in compliance with the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222 and 222A gated entry standards.
12. Proposed residential driveway slopes shall not exceed twelve percent (12%).
13. The property owner may be required to grant roadway easements where public and private streets intersect.
14. All common elements shall be maintained by the Home Owners Association and shall be labelled accordingly on the civil improvement plans and associated mapping.

15. 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.
16. A revocable encroachment permit for landscaping within the public right of way is required.
17. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
18. 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.

Jennifer Lazovich, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation and asked that comments from item No. 8, VN-03-12 be incorporated.

Comments and discussion from VN-03-12 are as follows:

Jennifer Lazovich, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant showing an exhibit created by their engineer which showed the lots where the 18-foot driveways would be necessary. The 18-foot variance would only be needed for the lots colored in yellow, which totaled 64 lots and within those 64 lots, there would be four product types offered with three being two story and one a single story and, with the single story, the variance request was a front yard setback of 12-feet to the front of the house and a minimum 22-foot setback would be maintained from the property line to the garage. Approximately 25 percent of the homes in the yellow area would be single story, so those driveways would be 22-foot long. In reality, of the 145 lots, only 48 lots would need an 18-foot driveway. There was concern about safety and crowding of the sidewalk. Ms. Lazovich showed photos of homes with 18-foot driveways, showing there was room to park a full size truck without crowding the sidewalk. The engineer drew in the sidewalks on the plan showing sidewalk was in the side yards of some of the lots and on Street "G" there was a sidewalk but, from the pictures shown, the sidewalk would not be blocked if a truck was parked in the driveways. The applicant would agree to a condition limiting the maximum number of lots with an 18-foot driveway to 48 and for all the lots with an 18-foot driveway, the rear yard setback would be at least 17 feet. All of the houses fit the lots, but they wanted to maximize the rear yards. All of the lots would have at least a 17 foot rear yard or more; but, if they were given the 18 foot driveway, the extra two feet would be added to the rear yard. A written disclosure would be provided to the buyer of a home with an 18-foot driveway and if they did not want the shorter driveway, they could purchase anywhere in the green area and have a standard 20-foot driveway. They would also agree to a condition that the CC & R's would contain a provision that would prohibit vehicles from blocking the sidewalk.

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

- **Scott Sauer, no address stated** *felt better that the number of lots with 18-foot driveways would be limited. Mr. Sauer explained he went on Toyota's website and checked the length of vehicles with a car being 12' 9 ½" to 16' 6", a pick-up 15' 10 ½" to 17' 6" and an SUV being over 15' to 17' and did not agree that an 18-foot driveway was long enough to park a full size truck. It appeared in the pictures that some of the garage doors were open, making it easier to park the vehicles in the driveway. He pointed out the ordinance required a 24-inch box tree in the front yards and asked if the 12-foot front yard was large enough to accommodate it.*

Chairman Brown closed the Public Hearing.

Ms. Lazovich commented, that in the pictures shown of the trucks in the driveways, the garage doors were closed and added that she also used Toyota's web-site for measurements.

Commissioner Jay Aston asked if the waiver for the 12 foot front yard on the single story lots was also on the dark green lots.

Ms. Lazovich explained when the exhibit was created, the yellow area was created for the variance for the 18-foot driveways only and they would like the front yard variance of 12-feet to be on all lots and as pointed out previously, the front yards were not allowed to have grass and added that a 24-inch box tree would fit in a 12-foot front yard with no problem, as it has been done in other developments.

Commissioner Aston asked for confirmation that on one third of the lots, they were requesting an 18-foot driveway.

Ms. Lazovich responded that was correct.

Commissioner Aston asked if the lots with 18-foot driveways had been identified by lot number.

Ms. Lazovich responded they had not, as they wanted the buyer to be able to determine where they could put the single story homes.

Commissioner Aston suggested if the Commission agreed to the variance, there should be an added condition requiring the lots with an 18-foot driveway to be identified by lot number. He understood 18-foot driveways were allowed in the County and the City of Las Vegas and with the front yard setbacks, they went down to 10-foot and because he had a developer's background, he felt when the last ordinance was passed and because things were picking up in the valley, there were additional expenses incurred by the developers with soils mitigation and the fact that North Las Vegas now had solid Design Guidelines which made North Las Vegas one of the more expensive places to

build and he felt it was counter productive to bring businesses to the City, and because of that, he could support the application.

Commissioner Will Ewing asked if a buyer wanted a two story house but wanted a longer driveway because he had a longer truck, if he could request that the home be moved back on the lot to have a longer driveway on the yellow colored lots.

Ms. Lazovich responded that option would be available, as the home would still fit on the lot or they may be asked to pick a home on the green colored lots.

Commissioner Ewing asked Ms. Lazovich to respond to the question that the developer was trying to maximize the number of lots they could get in the development.

Ms. Lazovich responded she had asked the engineer to determine if the project was built according to the development agreement, if they would gain or lose lots and after the study was completed, it was determined an additional 10 lots would be gained if the project was built to code in the traditional way and if the project was built with the requested variances those additional 10 lots would be lost, but it was felt they were providing a better product as they were offering larger rear yards.

Commissioner Laura Perkins stated as a home owner, she preferred the larger rear yard, as you could not have grass in a front yard and the rear yard would be more usable and did not feel the 18-foot driveways would be a problem. She was okay with the 10 foot corner side yard setback and felt comfortable with 48 homes having the 18-foot driveway.

Commissioner Sylvia Joiner-Greener also supported the 18-foot driveway to allow a larger rear yard, which would be more usable.

Commissioner Nelson Stone could not recall one instance of seeing a lot layout in the form of a tentative map with a variance request and felt the variance request was self-inflicted and also suggested he would need proof that 10 lots would be gained if the project was built according to the development agreement. He understood there was a development agreement issue with Eldorado and volunteered that probably the land basis for the project was in the original development agreement in the 1980's. He reminded himself and the Board that decisions for variances were not awarded based on economics but was land use planning, ordinance and code.

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Ms. Lazovich explained the additional conditions would be added to the tentative map.

Director Fiori explained the map shown should be submitted for the record and tied to the variance request and then those be carried forward and whatever was granted for the variance be carried forward for the tentative map.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 3 ADDED AND THE REMAINDER OF ITEMS RENUMBERED:

3. SETBACKS SHALL BE PERMITTED AND RECORDED WITH THE FINAL MAP AS APPROVED PER VN-03-12. ADDITIONALLY, THE "YELLOW LOTS" SHOWN ON EXHIBIT "A" PRESENTED ON OCTOBER 10, 2012, SHALL BE PERMITTED WITH AN 18-FOOT FRONT SETBACK TO THE GARAGE.

MOTION: Vice-Chairman Aston

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Services and Development Director Frank Fiori introduced Johanna Murphy, Principal Planner and explained she had been working on the trails for the past five years.

Johanna Murphy invited Commissioners to attend the "Regional Open Space & Trails Summit 2012 – Creating a Community" being held on Thursday, October 18, 2012 at The Smith Center.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:28 p.m.

APPROVED: November 14, 2012

/s/ Steve Brown
Steve Brown, Chairman

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