

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

November 21, 2006

***All Staff Reports and attachments are available on the City's
Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)***

BRIEFING: 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:02 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

ROLL CALL: Chairman Angelo Carvalho - Present
Vice-Chairman Steve Brown - Present
Commissioner- Jay Aston - Present
Commissioner- Jo Cato - Present
Commissioner Dean Leavitt - Present
Commissioner Harry Shull - Present
Commissioner Dilip Trivedi - Present

STAFF PRESENT: Jory Stewart, Planning & Zoning Director
Marc Jordan, Planning Manager
Mary Aldava, Senior Planner
Toni Ellis, Planner
Nick Vaskov, Deputy City Attorney II
Bethany Sanchez, Deputy City Attorney II
Randy Cagle, PW, Real Property Services Manager
Clete Kus, PW, Transportation Planner
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Michelle Menart, Parks Planner
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jo Cato

WELCOME: Chairman Angelo Carvalho

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 25, 2006.**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **REVIEW OF PROPOSED FIRE FACILITIES IMPACT FEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS REQUESTING PLANNING COMMISSION REVIEW AND APPROVAL OF A PROPOSED FIRE FACILITIES IMPACT FEE PROGRAM AND ASSOCIATED LAND USE ASSUMPTIONS AND FIRE FACILITIES CAPITAL IMPROVEMENT PLAN. (CONTINUED OCTOBER 25, 2006)**

It was requested by the applicant to continue the application to January 10, 2007.

Chairman Angelo Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 7 was heard next.

2. **AMP-40-06 (27263) CNLV COMPREHENSIVE PLAN UPDATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN 2006, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF HEAVY INDUSTRIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-101-019, 139-01-101-020, AND 139-01-101-021.**

The application was presented by Marc Jordan, Planning Manager stating the application was a request to amend the new Comprehensive Plan from its existing designation of Heavy Industrial to Community Commercial. He explained, when the Comprehensive Plan was brought before the Planning Commission, there were several areas in the City that were discussed parcel specific. The requested amendment was for the parcel located at the southeast corner of Losee Road and Lone Mountain Road and Staff did not support the request; but, when the Comprehensive Plan was considered by City Council, it was approved with the exception of this parcel, which was remanded back to the Planning Commission for consideration to rezone it to Community Commercial.

Chairman Angelo Carvalho recognized Councilwoman Smith.

Chairman Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

3. **ZN-05-01 (27727) LAKE MEAD & SIMMONS OFFICE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOHN DAVID BURKE ARCHITECT ON BEHALF OF CLOVER TRUST / J. HAYDVKOVICH AND LAKE MEAD-ALLEN LLC, ROSHPINA LLC C/O QUALITY WOOD PRODUCTS, COSTELLO FAMILY TRUST, CORAN DEVELOPMENT LLC, EDWIN AND VALERIE SMITH, LAKE MEAD NUMBER ONE LLC, DDM INVESTMENTS LLC, AND BLUE LAGOON LAS VEGAS LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF OFFICE/WAREHOUSING WITH OUTDOOR STORAGE YARDS AND RETAIL COMMERCIAL SPACE TO ALLOW A ZERO (0) FOOT LANDSCAPE BUFFER WHERE 20 FEET IS REQUIRED ADJACENT TO RESIDENTIAL PROPERTY LINES; AND TO ALLOW CONCRETE TILT-UP PANELS AND SMOOTH COLORED CMU WALLS FOR THE BUILDING'S EXTERIOR WHERE A STUCCO FINISH IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-20-202-001, 139-20-202-002, 139-20-202-003, 139-20-202-004, 139-20-202-005, 139-20-202-013, 139-20-202-010, 139-20-202-011, 139-20-202-009, 139-20-211-001.**

The application was presented by Mary Aldava, Senior Planner who explained when the PUD was originally approved, Staff had concerns regarding the phasing of the development and recommended they start on the eastern or western portion of the property; however, it was approved with the first phase in the center of the development. The PUD was approved with stucco exteriors and building plans were approved with a stucco exterior; however, the developer started construction and the project was almost complete with smooth CMU buildings. Now, the owners of the eastern portion of the development were requesting concrete tilt-up and the PUD was now a hodge-podge development, when, as a PUD, it should be a cohesive development, and most of the development in the area consisted of stucco buildings. Staff was not recommending or supporting the amendment to the PUD to allow smooth or concrete tilt-up panels. The second amendment would be to reduce the buffer along the residential property located to the east, which was an R-E Residential District, where there was a home on the property, from 20 feet to zero feet. Staff was not supporting the amendment, as the M-1 uses were light industrial uses but were quite intense uses, abutting a residential development and Staff believed the site plan could be amended to move the buildings and provide the 20 foot buffer; therefore, Staff was recommending denial of ZN-05-01.

Eleanor Vargas, Pinnacle Architectural Studio, 9755 West Charleston Boulevard, Las Vegas, NV 89117 appeared on behalf of Roshpina, LLC stating the application was joint with Burke Architects. She addressed the request for approval to use the smooth CMU colored block as an alternative material to stucco, which was currently the required exterior

finish as determined by previous design review and Burke Architects would be addressing all other items on the application, which they were in support of. She explained the initial design review process was handled by a different representative who was not part of the current design team. She understood and agreed with Planning Staff that architectural character and material should be determined and established at the time of application and would sincerely like to ask for forgiveness in coming in at this late stage of the project to get the exterior building elevation materials approved. This circumstance was due to a lack of communication between the initial design review team and the approved CD's that show the smooth CMU block. The approved construction documents are permitted showing the smooth CMU block as a main building material and the stucco and split face block accents are facing Lake Mead Boulevard. The client, at the time, was not aware of the stucco requirement and proceeded using the smooth colored block as a main exterior material. The block was used for its durability and low maintenance. She agreed that the purpose of a PUD was to establish aesthetics, uniformity and a desirable development, and there were many ways they could achieve uniformity of design and they do not interpret that by just using one type of building material. It could also be shown with building mass, building heights, architectural features and color. The building elevations use a clay tile roof, which ties the project to existing residential development and they have stucco accents and split CMU block accents, which would tie the development to other portions of the PUD, which would use stucco or split face block. Ms. Vargas explained it was easier to remove graffiti from block than from stucco.

John David Burke, Architect, 3471 West Oquendo, Las Vegas, NV explained they had retail in the front and office/warehouse in the rear and the building would be stucco on the front and concrete tilt-up in back. He brought samples of the materials planned for the project and explained they were looking for a waiver of the landscape buffer against the residential.

Commissioner Dean Leavitt asked Staff how long the PUD had been in existence. Mary Aldava, Senior Planner responded the first time the PUD came before the Commission was in 2001 and the outside storage and commercial was proposed in 2004. The FDP for the center portion was approved in early 2006 and development started approximately six months ago. Commissioner Leavitt stated there had been ample time and knowledge to come before the Commission to request changes and ask for forgiveness and he was not in support of the request to change the building materials and was also not in support of the request to reduce the landscape buffer along the residential area.

Ms. Vargas agreed it was a little late, but they were trying to make the project right and the CMU block was an accepted material within the design guidelines. Commissioner Leavitt agreed that was true but CMU, even when it was treated for graffiti, required as much, if not more, consideration for graffiti removal as stucco, as quite often the CMU had to be

sandblasted to get rid of the graffiti and stucco could be done faster.

Commissioner Jay Aston asked if there were three different parcels, because the original three parcels were submitted as one application for a PUD and then it appeared that whoever the owner of the property was, sold off individual pieces of the property and he felt the seller was responsible for conveying the conditions of the PUD to the buyer. The design of the project was spelled out in the original PUD, which was approved in 2001 and he was not in support of the project and agreed with Staff recommendation.

Commissioner Steve Brown agreed with Commissioner Aston's comments.

Mr. Burke stated they were speaking about two issues. He was wanting concrete tilt-up and Ms. Vargas was proposing concrete block. He felt when the PUD was established and stucco was used, it was an incredibly narrow definition that the development was being held to and asked if that was the intent of the PUD. Commissioner Aston explained the person who submitted the PUD application agreed to that condition and if he did not want stucco, it should have been addressed at that time. The purchaser of the property should have been given a list of the conditions that had been placed on the PUD. Mr. Burke agreed the purchaser should have done their due diligence but explained times change and conditions evolve and he was asking the Commission to consider the merit of the amendment as it was an upgrade from the stucco and asked why it could not be changed. Chairman Carvalho explained the problem was, a PUD was approved and the conditions of that PUD had to be met. Commissioner Aston asked who the third property owner was.

Megan Williams, 134 Bellagio Street, Henderson, NV 89074 stated there were eleven to thirteen property owners for the site and when the property was zoned, it was not owned by only one person. She explained she was a partner in one of the properties that was purchased but, the application had to be presented to all of the owners as they could not apply for the amendment without talking to all of the owners of the PUD and had to have signatures from all of them, which took months to accomplish. All of the owners agree to the requested amendment to the PUD. Commissioner Aston explained if all owners of the property wanted to amend the conditions of the PUD, they needed to have a unified voice. Ms. Williams stated they were depending on Ms. Vargas and Mr. Burke to do that for them. Commissioner Aston asked Ms. Williams if she was involved with the application for the original PUD conditions. Ms. Williams responded the property was purchased after the fact. Commissioner Aston asked if the original PUD conditions were made known to the buyers. Ms. Williams responded they were. Commissioner Aston asked what building materials were involved. Ms. Williams responded as far as she knew, only a portion of the building needed to be stucco. Commissioner Aston stated as far as the buildings that were already in existence, the applicant was making an effort to stucco the front and split face the front that faced Lake Mead Boulevard. He did not understand that in the original application and asked if she was aware of that. Ms. Aldava responded originally, the FDP that was on the agenda tonight was presented as stucco buildings. The applicant had

since modified that and were now requesting concrete tilt-up. The elevations for the FDP that is on the agenda, indicated stucco, which was Item No. 14, FDP-08-05. Commissioner Aston asked whose application it was. Ms. Aldava responded there were two applicants, but, because it was one PUD, it had to go to the Commission as one PUD. The applicants were required to get all property owners' signatures because it was a PUD. Commissioner Aston asked if all signatures were received. Ms. Aldava responded the applicants submitted signatures, as it was the only way the application could be brought forward. Commissioner Aston asked if all owners were in agreement with the changes. Ms. Aldava responded the signatures did not mean they were in agreement, but were required to process the application. Commissioner Aston stated if there was going to be a deviation from the original conditions of the PUD, there must be an agreement from all property owners.

Craig Michaels, 4397 West Sunset Road, one of the owners and applicant of the PUD stated they had spoken to all of the property owners explaining what their intention and goal was and they all signed the application and agreed. In response to Commissioner Leavitt's concern regarding the residential property, he had tried to purchase the residence and got no response. When they first met with Staff at the task force meeting to present their ideas and what they wanted to do, they had buildings on the property line as was allowed in M-1 zoning in the City of Las Vegas and Clark County. They were informed there were certain things they could not do and had to change, which they agreed to. One of the comments was to have a 20 foot buffer around the residence; so, their suggestion, rather than having a 20 foot buffer and then a 30 foot tilt-up and/or stucco or concrete building, if they flip-flopped the building and put in a five or six foot landscape, a drive that only accessed one building around the residence, eighteen foot of parking, five foot of sidewalk, another four foot of landscape and then the building, making the building 55 feet away instead of 20 feet, if they would support it and they indicated they would and thought it was a good solution. He said everything visible to Lake Mead Boulevard was stucco, stone, and tile and had good curb appeal. All interior materials were concrete tilt-up, with pop-outs in different colors and also had good curb appeal and he had received an award from the City of Henderson for the same design. He stated they made every attempt to work with the residential property owner to come up with a solution. They were told by Staff they must amend the PUD and went to all property owners in the PUD, since it was done before they owned it and told them what they planned and they all signed the application in support of it. Commissioner Aston explained the problem was, there were two different people presenting two different materials on one PUD and suggested the application be continued to allow both applicants to meet with Staff to decide what materials would be used and how the buildings would look, as they must have the same appearance. Mr. Michaels asked if the buildings had to have the same appearance, or if they could pull out of the PUD with another zoning application. Commissioner Aston responded that could be worked out with Staff. Mr. Michaels stated they would continue the application and work with Staff. Ms. Vargas stated possibly they could come to some type of compromise, where on Lake Mead

Boulevard they could have one facade for the whole PUD. Vice-Chairman Carvalho stated the application would be denied or they would have to continue the application and work with Staff on the design.

Commissioner Steve Brown added, as a Commission, there was concern about the design and that was why a PUD was done.

Ms. Aldava suggested Item No. 14, FDP-08-06 be continued also.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 14 was heard next.

4. **ZN-57-05 (27715) NORTHVIEW (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PJ & CB LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED 120 ACRE PUD PLANNED UNIT DEVELOPMENT DISTRICT BY ADDING AND RECLASSIFYING AN ADDITIONAL 10 ACRES OF O-L OPEN LAND DISTRICT TO THE PUD PLANNED UNIT DEVELOPMENT DISTRICT WHICH WOULD CONSIST OF 250 RESIDENTIAL UNITS, A 12,000-SQUARE-FOOT RETAIL BUILDING, AN 80,000-SQUARE-FOOT OFFICE BUILDING, AND A TAVERN. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE I-215 BELTWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-701-003, 124-23-701-004, 124-23-601-001 THRU 124-23-601-016, 124-23-801-002, AND 124-23-501-002.**

The application was presented by Marc Jordan, Planning Manager who stated the existing PUD was being amended to incorporate an additional 10 acres located to the north of the Binion Mall site just south of 215 and west of Losee Road. They were proposing to move the two 40 story condo towers closer to 215 and the hotel that were approved in the original application and they were going to add two three story office buildings, two five story condo buildings and two retail pads as part of the site. In the original Staff Report, Staff was recommending continuance because they wanted to see some details on the plan, specifically where all of the parking would be located and how they would comply with the open space for the new portion of the development. The applicant's representative has shown those items to Staff, so they were okay with that. The applicant also asked that an additional tavern be approved as part of the PUD; but, Staff received a letter from the applicant withdrawing that request. There were currently eight taverns approved for the site and that would not be changed. As a result, Staff was recommending approval of ZN-57-05 subject to the conditions listed in the Staff Report, which were the original conditions with a few changes. Condition No. 10.a would be amended to read: "A total of eight (8) taverns are allowed as a right in this planned unit development." The conditions listed in the Staff Report are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. A final development plan is required and the commercial and residential components of the Planned Unit Development shall be submitted on one final development plan.
 - a. A phasing plan shall be submitted with the final development plan for this Planned Unit Development.
 - b. Building elevations shall be submitted for each commercial and multi-family building with the final development plan for this Planned Unit Development.

- c. The final development plan shall provide details of the open space/park areas showing landscaping, amenities, boundaries and calculated square footage.
 - d. A pedestrian circulation plan, including ADA access routes, safe walking pathways, and traffic calming measures shall be submitted with the final development plan for this Planned Unit Development.
 - e. Adequate open space shall be provided for this development.
3. Adequate parking shall be provided and shown on the final development plan, and shall comply with the zoning ordinance.
4. The number of parking stalls for the residents and guests shall be provided in accordance with the requirements set forth in the Zoning Ordinance for Multi-family developments. The location of the residential parking shall be within a secured parking garage constructed below the residential units. The parking garage shall adjoin the building in which the units it serves are located. Guest parking is not required to be located within the secured garage.
5. The commercial square footage shown on the preliminary development plan is considered conceptual and shall be reduced if it is found that there is insufficient parking, buffer area, and open space, upon submittal of the final development plan.
6. The number of multi-family units shown on the preliminary development plan is considered conceptual and shall be reduced if it is found that there is insufficient parking, buffer area, and open space, upon submittal of the final development plan.
7. Exterior roof ladders and down spouts shall not be permitted.
8. In addition to the stipulations stated herein, the residential portions of the development shall comply with the Multiple-Family Development Standards and Design Guidelines, with the exception of the exterior finish of the buildings. This condition may be modified, waived, replaced or altered to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed use zoning ordinance amendment or other code requirements of the City, as adopted by the City Council upon submittal of a final development plan.
9. The overall design of the site and buildings shall comply with the Commercial Development Standards and Design Guidelines. This condition may be modified, waived, replaced or altered to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed use zoning

ordinance amendment or other code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.

10. Commercial uses in this Planned Unit Development shall only those allowed under the C-2, General Commercial District as principally permitted uses, or as special uses subject to Title 17 § 24.020, with the exception that:
 - a. A total of eight (8) taverns are allowed as a right in this planned unit development. The taverns shall be integrated into the overall development of the site and shall not be allowed as pad development along the perimeter of the site.
 - b. Bowling alleys, art galleries and new car specialty sales are permitted as a right in this development.
11. The following uses shall be prohibited from this Planned Unit Development:
 - a. Automobile drive-in theater
 - b. Automobile repair
 - c. Cemeteries
 - d. Mortuaries
 - e. Recreational Vehicle Park and campgrounds
 - f. Swap meet, flea market
 - g. Automobile, boat or recreational vehicle sales, service and rental lots
 - h. Pawnshop
 - i. Check cashing facilities
12. A detached meandering sidewalk must be provided along both Losee Road and Centennial Parkway.
13. The number of multi-family dwelling units shall be limited to a maximum of 1,500.
14. The applicant must meet with the Parks and Recreation Department to discuss what amenities will be offered in this development. All amenities must be included on the final development plan.
15. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
16. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
17. Fire access lanes shall be within 150 feet of all ground floor walls.

18. The developer shall comply with the conditions imposed on VAC-26-05, if approved.
19. If VAC-26-05 or AMP-37-05 is either denied or is deemed null and void, then ZN-57-05 shall be null and void.
20. Approval of a drainage study is required prior to submittal of the civil improvement plans.
21. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
22. A master transportation plan with modeling containing 20-year projections will be required prior to submittal of the civil improvement plans.
23. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
24. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Losee Road.
25. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Centennial Parkway
 - b. Losee Road
 - c. Lawrence Street
26. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Losee Road and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
27. Right-of-way dedication and construction of a CAT bus turn-out is required on the frontage of Losee Road and on the frontage of Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1 or 234.3, subject to the City Traffic Engineer.

28. All public street section geometrics are subject to review and approval by the Director of Public Works or his designee.
29. 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.
30. The property owner is required to grant a roadway easement for commercial driveway(s).
31. 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.
32. A revocable encroachment permit for landscaping within the public right of way is required.
33. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
34. The drive aisle located between the previously approved portion of the overall site and the subject site, shall be redesigned to include pedestrian priority areas, traffic calming elements, and to integrate the overall development.
35. The following list of amenities should be provided as a minimum:
 1. Circuitous lighted paths and fitness course
 2. A minimum of 20 24-inch box trees per acre
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
 4. A minimum of 1,125 square feet of swimming pool area with a spa, clubhouse/cabana, and drinking fountain
 5. Shaded picnic areas, including picnic table(s), barbecue grill(s), and trash receptacle(s)
 6. At least one large open space area for group/organized play w/drinking fountain
 7. Three sport courts (i.e. basketball, sand volleyball, tennis, etc.) or approved substitutes
 8. One large lighted group shade area/gazebo (30' diameter)

9. Benches spaced along pathways
10. Bicycle racks at 2 different locations
11. Dog stations
12. Details of amenities to be provided

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 10.A AMENDED TO READ:

10.A. A TOTAL OF EIGHT (8) TAVERNS ARE ALLOWED AS A RIGHT IN THIS PLANNED UNIT DEVELOPMENT.

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

5. **UN-86-05 (22326) DECATUR/HORSE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SPECTRUM SURVEY AND ENGINEERING ON BEHALF OF GENEVIEVE RAMIREZ, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND HORSE DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-07-301-009.**

The application was presented by Marc Jordan, Planning Manager who stated the applicant requested one waiver as part of the use permit. They requested that the landscaping along Decatur Boulevard between the parking area and the right-of-way to be reduced from the required 25 feet, which may include the sidewalk, to 20 feet; but, they also indicated they would like that to be consistent with the variance that was approved on a building to the south, which was approved for an 18 foot set-back, so when you add the 18 feet plus the five foot sidewalk, it was a 23 foot set-back from the back of curb. Staff had no objection to the use or the design of the building; but in looking at the waiver request, Staff was not in support of the waiver, as there was ample room on the site to move the fuel canopy to the east and incorporate additional landscaping and still be able to meet the minimum requirements in the Commercial Design Standards. Staff was recommending approval of UN-86-05 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 UN-86-05 is site specific and non-transferable.
3. That development shall comply with Commercial Development and Design Guidelines, including but not limited to the following;
 - a. provide a minimum 25 feet in width from back of curb to perimeter walls or buildings (which may include sidewalks and portions of right-of-way) along Decatur Boulevard.
4. The maximum height of all buildings shall not exceed 35.0 feet.
5. Right-of-way dedication and construction of a CAT bus turn-out is required on Horse Drive near Decatur Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1, however, the applicant may provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.

6. Adjacent to any eighty (80) foot right-of-way, a common lot, with a minimum width of five feet, shall be provided behind the required bus turn-out.
7. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Decatur Boulevard and Horse Drive per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
8. 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. Decatur Boulevard
 - b. Horse Drive
9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Decatur and Horse.
11. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
12. 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.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
15. A revocable encroachment permit for the landscaping in the public right of way is required.
16. The property owner is required to sign a restrictive covenant for utilities.
17. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.

18. Construction of Decatur Boulevard and Horse Drive must be completed prior to the final inspection of any structure.
19. Approval of a drainage study is required prior to submittal of the civil improvement
20. City of Las Vegas concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

Chris Bakke, 9104 Richfield, Las Vegas, NV appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

6. UN-113-06 (27722) REBEL OIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REBEL OIL COMPANY ON BEHALF OF MI LV II LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-601-001.

The application was presented by Toni Ellis, Planner who stated the convenience store and gas pumps would only use a portion of the parcel. Staff was changing the recommendation from continuance to approval due to the Department of Public Works allowing the two existing driveways to remain on Craig Road and requiring the driveway on Commerce Street to be located approximately 200 feet north of Craig Road. Staff was recommending approval of UN-113-06 with the addition of Condition Nos. 8 and 9 to read as follows: "8. Applicant must provide curbing along the perimeter of the area being developed under this use permit to prevent vehicle traffic. 9. Applicant shall develop the area to the north where four parking spaces and a trash enclosure is located." The conditions listed in the Staff Report are as follows:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances and the Commercial Development Standards and Design Guidelines including but not limited to:
 - a. Gasoline canopies shall take on the character of the main building, using the same colors, materials and style
 - b. Roll up service doors shall be screened by the use of decorative walls and/or dense landscaping which will serve as a visual barrier
 - c. Minimum of 20 parking spaces
 - d. Parking area along Commerce Street shall be screened by decorative walls or landscaped berms with a minimum height of three (3) feet above the finished grade.
 - e. Relocate air/water away from right-of-way.
 - f. Trash enclosure shall be relocated.
 - g. A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal customer entrance constructed of pavers or stamped concrete subject to staff review and approval.
 - h. A meandering sidewalk shall be provided on Commerce Street and Craig Road.
2. This application shall comply with all conditions of approval for T-1275.

3. This use permit is site specific and non-transferable. The car wash is not covered under this use permit.
4. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Commerce Road.
5. The property owner is required to grant a roadway easement for commercial driveway(s).
6. The appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
7. The applicant shall provide shared access to the easterly parcel (APN 139-03-601-006), currently Buffalo Wild Wings.

Todd McBrayer, 5525 Polaris Avenue, suite B, Las Vegas, NV 89118 appeared on behalf of the applicant asking for clarification on the addition of Condition No. 9.

Ms. Ellis explained part of the required parking was placed to the north of the development which was not covered under the use permit, so Staff wanted to make sure there was use of the four parking spaces and trash enclosure, but that traffic would not be allowed to go in the area that was not being developed. Mr. McBrayer stated because the driveway was moving to the north, those parking spaces would be moved and a curb would be installed to prevent cars from driving in those areas and the trash enclosure would also be moved as part of one of the conditions of approval.

Marc Jordan, Planning Manager stated they had not previously seen the revised plan, so he stated on Condition No. 9 the words, "unless otherwise not required by Staff" be added to the end, because the way the condition was written, it was saying it had to be done, but since it has been modified and has been able to bring the parking and trash enclosure down, they may not need to require it.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Mr. McBrayer stated on Condition No. 1.h, when they were keeping the existing sidewalks and driveways, one of the requirements on Condition No. 1.h dealt with a meandering sidewalk along Craig Road. He had no problem putting in a meandering sidewalk along Commerce Street because they were doing full off-site improvements but with the idea that

the Craig Road Improvements were already in, they would like to maintain the existing sidewalk that was already in place and asked for that condition to be amended to delete Craig Road and on Condition No. 1.b, the roll up service doors were for the carwash and asked for that to be deleted.

Randy Cagle of Public Works stated the applicant was required to comply with the conditions of T-1275 and one of those conditions was the dedication of a right turn lane on Craig Road, so the curb, gutter, and sidewalk would be removed and pushed back another 10 feet so they could comply with the meandering sidewalk. Mr. McBrayer stated in a meeting they had with Carlton Urban of Public Works, it was agreed to that the driveways would remain with the improvements along Craig Road. Mr. Cagle stated the driveways would remain on Craig Road but a right turn lane would still need to be constructed, which would push them further back. Mr. McBrayer stated they were at a disadvantage, because when they discussed it with Mr. Urban, there was no discussion about having to reconstruct the sidewalk. The agreement with Traffic was that it would remain in place as it was.

Ms. Ellis stated Staff would agree to delete Condition No. 1.b and amend Condition No. 1.h to delete Craig Road.

Commissioner Dilip Trivedi asked Public Works if the curb cuts for the right turn lane were discussed with the applicant.

Deputy City Attorney Nick Vaskov explained one of the conditions of the approved tentative map was that the turn lane be dedicated. If it was agreed to with Staff that the turn lane was not needed, the applicant still had the obligation to amend the tentative map and remove the condition that required the turn lane.

Mr. McBrayer stated the tentative map was being done by the person Rebel Oil was buying the property from, so they would have to meet with them to modify their conditions of approval.

Mr. Brown asked counsel if they would be stuck in a catch 22 if the application was approved with an approved tentative map that contradicted it. Deputy City Attorney Vaskov responded the best course of action would be to continue the application until the tentative map was amended.

Mr. McBrayer agreed to continue the application.

Mr. Jordan stated if the application could be turned in by Tuesday, November 28, 2006, then the application could be continued to January 10, 2007 and then both applications would be heard together.

Mr. McBrayer stated he would work with the property owner to try to meet the deadline.

Chairman Carvalho reopened the Public Hearing.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt,
Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 8 was heard next.

7. **UN-114-06 (27745) TUTOR TIME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AMERICAN CHILD CARE PROPERTIES LLC ON BEHALF OF C.P. DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CHILD CARE CENTER. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF SIMMONS STREET AND CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-08-406-004.**

It was requested by the applicant to continue UN-114-06 to December 13, 2006.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO DECEMBER 13, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 9 was heard next.

8. VAC-22-06 (27665) COMMERCE AND DORRELL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAACO LTD., PROPERTY OWNER, TO VACATE THE WESTERLY 10 FEET OF COMMERCE STREET COMMENCING AT DORRELL LANE AND PROCEEDING NORTH APPROXIMATELY 293 FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-101-014.

The application was presented by Marc Jordan, Planning Manager who stated there was an existing tentative map on the property and Condition No. 15 required the applicant to request the vacation and the applicant was in compliance with that condition. Staff was recommending approval of VAC-22-06 subject to the following condition:

1. The vacation must record concurrently with the merger and resubdivision parcel map. Should the Order of Vacation not record within two years from the City Council's approval date, the vacation shall be deemed null and void.

Michael Patry, Alpha Engineering, 3321 North Buffalo Drive, Las Vegas, NV appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 11 was heard next.

9. **UN-115-06 (27726) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CENTENNIAL DEVELOPMENT 2 LLC ON BEHALF OF BOUQUET INC., PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT (DRIVE-THRU). THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.**

The applicant withdrew UN-115-06.

ACTION: WITHDRAWN

10. **UN-116-06 (27725) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CENTENNIAL DEVELOPMENT 2 LLC ON BEHALF OF BOUQUET INC., PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.**

The applicant withdrew UN-116-06.

ACTION: WITHDRAWN

Item No. 2 was heard next.

11. **T-1281 (27799) CENTENNIAL CROSSING. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF AMERICAN PACIFIC CAPITAL CENTENNIAL SIMMONS COMPANY, LLC, PROPERTY OWNER, FOR A TENTATIVE MAP REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT FOR ONE (1) LOT TO BE USED FOR COMMERCIAL PURPOSES. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124 29-101-010.**

The application was presented by Toni Ellis, Planner who stated Staff was recommending approval of T-1281 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of SPR-52-04, and SPR-15-05.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

12. **T-1282 (27785) LOSEE PLAZA I & II. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF ANN LOSEE PAD, LLC, PROPERTY OWNER, FOR A TENTATIVE MAP REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT FOR TWO (2) LOTS TO BE USED FOR COMMERCIAL PURPOSES. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF ANN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-802-009 AND 124-26-802-010.**

The application was presented by Toni Ellis, Planner who stated Staff was recommending approval of T-1282 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances and the Commercial Development Standards and Design Guidelines.
2. That the development of this site be in compliance with all conditions of approval for UN-121-05, UN-13-06, UN-62-06, UN-102-06.
3. Must comply with all conditions submitted by the Southern Nevada Health District including but not limited to:
 - a. Written verification from the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the **Tentative Map** or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.
 - b. The Fire Protection Water lines will adhere to the UDACS separation requirements of subsections 2.20.01, 2.19, and 2.04 as nonpotable water lines (i.e. 6' minimum horizontal separation and 6" minimum vertical separation from potable water lines).
 - c.. Separation of the Fire Water lines from the storm and sanitary lines (i.e. 5' - 6' minimum horizontal separation) should be maintained in order to protect the offsite potable water after the backflow prevention device.
 - d. A letter from the appropriate sewer agency stating that service from the existing system of community sewerage will be extended to the subdivision and the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service or that the facility will be expanded to provide for the added service.
 - e. A letter from the appropriate water utility stating that it will supply water for domestic and fire protection purposes, that the system has the necessary facilities to treat water to meet the standards of the Water Supply Regulations Part 1, and that the capacity is available to meet the demands upon the system.

- f. Written verification from the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the **Final Map** or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

13. **SPR-43-06 (27625) ROME AND PALMER. AN APPLICATION SUBMITTED BY COLONIAL PROPERTIES TRUST C/O JONATHAN CORNELIUS ON BEHALF OF CELEBRATE PROPERTIES LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A 380 UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND PALMER STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-24-801-001, 002, 003, 004 AND 005.**

Commissioner Harry Shull stated he would be abstaining as his company was the owner of the property.

Commissioner Harry Shull left Chambers at 8:05 p.m.

The application was presented by Toni Ellis, Planner who stated the request was to allow a 380 unit multi-family development with waivers to decrease the perimeter landscape buffer from the required 20 feet to 10 feet along the eastern and southern property lines and to waive the required village cluster architectural theme for each 200 units for a development over 300 units. Staff was recommending continuation of the application because the submitted site plan that was reviewed, did not meet the open space requirements and Staff did not support either waiver request. There was also an issue with the parking lots exceeding the maximum number of AD parking spaces. Staff received a revised plan today at approximately 3:00 p.m. but did not have an opportunity to review it before the meeting. If the Commission determined approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 152,000 square feet of open space.
 - b. Parking areas which are delineated by buildings, walkways, or landscaping.
 - c. Upper story balcony areas shall be 40 square feet in size.
 - d. Ground level outdoor or patio areas shall be 80 square feet in size.
 - d. Landscaped buffers a minimum of 20 feet in width along southern & eastern property lines.
3. Pedestrian crossings shall be constructed of textured and dyed concrete and/or brick pavers.

4. **Submit a detailed landscape plan to the Planning & Zoning Department for review and approval**
5. **Submit a revised site plan showing the following:**
 - a. Reduce or break the flow of continuous drive aisles or parking areas along the east, west and south property lines.
 - b. A detailed open space plan identifying the areas with acceptable width of twenty (20) feet with all proposed amenities.
6. Open space area design and amenities to be provided for this development shall be subject to review and approval by the Parks Department, and shall meet minimum requirements as set by the Parks Department.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
9. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner is required to sign a restrictive covenant for utilities.
12. A merger and resubdivision parcel map must be filed to create the proposed parcel.
13. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
14. Approval of a traffic study is required prior to submittal of the civil improvement plans.
15. A queuing analysis is required.

16. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
17. 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.
18. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
19. 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.
20. Two sources of water will be required to provide for a looped water system. The closest water main is in Centennial Parkway. To attain the looped water system the developer will be required to install two separate water mains from Centennial Parkway north to the project site. Full frontages shall apply. A water main may be installed in Palmer Street and a water main in Pecos Road. The developer will need to coordinate with adjacent developers to obtain the necessary easements and/or right-of-way. Water main sizes shall be in accordance with the Water Service Rules, latest edition.
21. The closest sanitary sewer collection system is in Pecos Road at Centennial Parkway. The developer will need to coordinate with adjacent developers to obtain the necessary easements and/or right-of-way.
22. Fire access lanes shall be located in accordance with Fire Code requirements.
23. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining they turned in a revised site plan and understood it was short notice, but they had gone through all of the if-approved conditions and thought they were very close to complying and would like to be able to move forward and continue working with Staff. He pointed out on Condition No. 2 they were not asking for any variance or waiver to the open space and felt the revised site plan met Condition Nos. 2.a through 2.d. On the second Condition No. 2.d, which should

be 2.e, the landscape buffer, they were requesting a reduction to 10 feet because along the south side, they were next to C-1 Commercial and felt 10 feet was adequate, given the carports and the amount of space between the C-1 and the units. He also felt a 10 foot wide landscape planter would be an adequate buffer between their future residents and the commercial to the south and east. He also referred to Condition No. 5.a, stating the site plan had been revised to comply with the condition and explained the revisions. Mr. Clapsaddle stated he agreed to all other conditions and asked to be able to move forward with the landscape buffer reduced to 10 feet and the deletion of Condition No. 5.a as they had complied with that condition. He stated if they were not in compliance on the site plan and could not come to an agreement with Staff, they would come back before the Commission.

Ms. Ellis stated Staff was requesting the application be continued.

Commissioner Jay Aston stated in lieu of Staff just getting the application today at 3:00 p.m., with no time for review, he agreed with Staff to continue to the application. He did not have an issue with the reduction of the landscape buffer on the south if it was up against commercial but would like to see closer spacing of the trees. Mr. Clapsaddle responded they did not have an issue with that as many times when they reduce landscape planters from 20 to 10 feet, putting extra landscaping and staggering it could be done and they had turned in a new landscape plan which addressed that issue. Commissioner Aston stated he was hesitant to delete Condition No. 5.a without Staff having a chance to review the site plan.

Commissioner Steve Brown stated he agreed with Commissioner Aston. Even though the applicant was close, and if they had to break up the driveway areas, it would change the site plan enough that the Commission would need to look at it again.

Chairman Angelo Carvalho stated it seemed like the applicant was very close to complying with the conditions of approval and asked if they could move forward and still be able to obtain the conditions Staff had concerns with. Marc Jordan, Planning Manager stated it was the Commission's discretion; if they wanted to move forward with the application and were going to grant some of the waivers, Staff would have to amend some of the conditions to be consistent with the waivers granted.

Commissioner Dean Leavitt stated it seemed like most of the concerns Staff had, with the exception of Condition No. 5.a, was on the developers' dime. If the developer was not able to comply with the conditions, they would have to come back before the Commission, so he agreed with Chairman Carvalho and suggested leaving Condition No. 5.a and rewriting it.

Commissioner Jo Cato agreed with Commissioner Leavitt.

There was a break in proceedings at 7:14 p.m.

The meeting reconvened at 7:25 p.m.

Mr. Jordan stated the amendments discussed with the applicant were as follows:

Condition No. 2, the second d, would be deleted and Condition No. 2.e would be added to read: "the following exceptions are allowed as part of this development. Condition No. 2.e.1 would read: The Village Cluster shall be distinguished by different color themes rather than architectural themes." The applicant indicated they would like to have different color themes to distinguish the village clusters. Condition No. 2.e.2 would read: "A minimum 10 feet of landscaping shall be provided next to the southern and eastern property lines instead of the required 20 feet. In addition, 24" box trees shall be installed at 15 feet on center." Normally they would be required to be installed at 20 feet on center. Condition No. 5.a would be amended to add: "subject to review and approval by the Planning and Zoning and Fire Departments." This would allow the applicant some flexibility to work with Staff to install some additional landscaping, particularly on the southerly side to help break it up.

Mr. Clapsaddle stated he agreed with the amendments as read into the record.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 2.E AMENDED AND THE ADDITION OF CONDITION NOS. 2.E.1 AND 2.E.2 AND CONDITION NO. 5.A AMENDED AS FOLLOWS:

2.E. THE FOLLOWING EXCEPTIONS ARE ALLOWED AS PART OF THIS DEVELOPMENT:

2.E.1. THE VILLAGE CLUSTER SHALL BE DISTINGUISHED BY DIFFERENT COLOR THEMES RATHER THAN ARCHITECTURAL THEMES.

2.E.2. A MINIMUM 10 FEET OF LANDSCAPING SHALL BE PROVIDED NEXT TO THE SOUTHERN AND EASTERN PROPERTY LINES. IN ADDITION, 24" BOX TREES SHALL BE INSTALLED AT 15 FEET ON CENTER.

- 5.A. REDUCE OR BREAK THE FLOW OF CONTINUOUS DRIVE AISLES OR PARKING AREAS ALONG THE EAST, WEST AND SOUTH PROPERTY LINES, SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING AND ZONING DEPARTMENT AND FIRE DEPARTMENT.

MOTION: Commissioner Leavitt
SECOND: Commissioner Aston
AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Cato, and Trivedi
NAYS: None
ABSTAIN: Commissioner Shull

Commissioner Harry Shull returned to Chambers at 7:28 p.m.

Item No. 15 was heard next.

OLD BUSINESS

14. **FDP-08-06 (26523) LAKE MEAD & SIMMONS OFFICE. AN APPLICATION SUBMITTED BY JOHN DAVID BURKE, ARCHITECT, ON BEHALF OF LAKE MEAD NUMBER ONE, LLC, AND BLUE LAGOON LAS VEGAS, LLC, PROPERTY OWNERS, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 31,270 SQ. FT. OF OFFICE, 94,898 SQ. FT. OF WAREHOUSE/STORAGE, AND 23,560 SQ. FT. OF RETAIL. THE PROPERTY IS GENERALLY LOCATED SOUTH OF LAKE MEAD BOULEVARD AND APPROXIMATELY 638 FEET WEST OF SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-20-202-010 AND 139-20-202-011. (CONTINUED JULY 26, AUGUST 9 AND 23, 2006)**

It was requested by the applicant to continue FDP-08-06 to January 10, 2007.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

15. **UN-109-06 (27497) CENTENNIAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL, ON BEHALF OF CENTENNIAL VILLAGE, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS AND AUTOMOBILE WASHING ESTABLISHMENT (DRIVE- THRU). THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-24-401-024. (CONTINUED OCTOBER 25, 2006)**

The application was presented by Marc Jordan, Planning Manager who stated Staff was recommending approval of UN-109-06 subject to the conditions listed in the revised memorandum dated November 21, 2006 as follows:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the site must comply with all conditions of approval for SPR-55-05.
3. That the site must comply with the Commercial Development Standards and Design Guidelines, including but not limited to:
 - a. That foundation landscaping, or an acceptable alternative, is required along the east and south elevations;
 - b. A refuse collection area is required.
 - c. A pedestrian plaza, meeting ordinance requirements, is required on the overall site.
4. The public street geometrics, width of over-pave and thickness of the pavement sections, will be determined by the Department of Public Works.
5. 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.
6. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

7. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

16. UN-124-04 (27108) FOURSQUARE CHURCH-NLV (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS FOUR SQUARE CHURCH ON BEHALF OF THE BOYER 1992 IRREVOCABLE TRUST, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF DONNA STREET AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-302-001, 124-35-302-002 AND 124-35-302-003. (CONTINUED SEPTEMBER 27 AND OCTOBER 25, 2006)

The application was presented by Mary Aldava, Senior Planner who stated the applicant was requesting approval for an extension of time and amendment to the new site plan. The total development of 22,900 square feet of building area includes a 5,530 square foot sanctuary, a 2,250 square foot multi-purpose room that would seat 450 people and the remaining area of the building would be utilized for a child care facility. There are minor issues with the site plan, one that could be handled administratively, which was providing six feet of foundation landscaping adjacent to the building and that the applicant emphasize the front entrance with variations in roof lines to provide visual interest and that the decorative metal roof be provided instead of corrugated metal, also pop-outs for architectural embellishments. Staff wanted to make the applicant aware that a use permit would be required for the child care facility in addition to the use permit for the church. Staff was recommending approval of UN-124-04 subject to the conditions listed in the Staff Report and the two additional conditions from Public Works listed in the memorandum handed out dated November 16, 2006. The original conditions listed in the Staff Report are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall comply with all of the Commercial Design Standards and Design Guidelines.
3. The applicant shall submit site and building plans for the proposed church facility. Show the following on the plans:
 - a. Location of a trash enclosure on site. The trash enclosure shall be properly screened from view from right-of-ways, sidewalks, and abutting properties through the use of landscaping and screening.
 - b. Decorative metal roofs shall be used on the building instead of the regular metal or corrugated roofs.

- c. Emphasize the main entrance elements with variations in roof lines to provide visual interest.
 - d. **Any mechanical equipment on the roof shall be properly concealed with parapet walls on all sides and detailed with cornices like elements.**
 - e. **Pop-outs shall be provided around the windows on all sides of the building.**
 - f. Detailed landscape plan and irrigation plan.
4. Approval of a traffic study is required prior to submittal of the civil improvement plans if schooling is proposed during the weekdays.
5. The civil improvements shall include schedule 40 PVC fiber optic conduit along the project's Washburn Road frontage.
6. Driveway locations are subject to review and approval of by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code.
7. A Merger and Resubdivision parcel map shall be filed. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
8. Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and *City of North Las Vegas Municipal Code* section 16.24.100.B.
 - a. Washburn Road
 - b. Donna Street
9. The plans shall comply with *City of North Las Vegas Municipal Code* section 17.24.210.E.9 which states: "Sidewalks are required along all streets. Sidewalks along arterial streets with a right-of-way eighty (80) feet or wider must be separated from the back of the street curb by a minimum of five feet, except in bus turn out areas. Meandering curvilinear sidewalks must be placed within the perimeter landscape area outside of the right-of-way." However, in areas where the sidewalk is placed next to the block wall, the width must be increased to six feet. Landscaping would then be required between the sidewalk and the back of street curb.
10. The property owner is required to grant a pedestrian access easement for sidewalk within any common element or landscape area adjacent to the right-of-way.

11. A revocable encroachment permit for landscaping within the public right of way is required.
12. 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.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. All Nevada Power Company easements and poles must be shown and shall be fully located within the landscape area. If any poles need to be relocated, it will be at the expense of the developer.
16. All known geologic hazards shall be shown on the 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.
17. Approval of a drainage study is required prior to submittal of the civil improvement plans.
18. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
19. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Codes.
20. Turning radii in the fire access lanes shall be in accordance with the Fire Code.

The Conditions listed in the Public Works Memorandum dated November 16, 2006 are as follows:

1. The Developer must purchase and deliver the 24-inch, HDPE storm drain pipe and all appurtenant materials such as manholes, gaskets, bends, etc. necessary to construct a complete operational storm water conveyance system from the easterly property line, Manhole station 16+05 along the Washburn Road alignment to the connection point, Manhole station 23+23.43 as depicted on the Civil Improvement plans submitted for review by Dwyer Engineering on 10/11/05.

2. The Developer must downsize the remainder of the storm drain pipe proposed throughout the Washburn Road frontage from the presently proposed size of 36-inch HDPE to 24-inch HDPE and be responsible for all AC Pavement replacement or patching for the storm drain installation for its entire length, 10+04.90 to 23+23.43.

Scott Sabra, 2756 North Green Valley Parkway, Henderson, NV appeared on behalf of the applicant and with him were Pastor Mark Lebsack and Roy Berson of JVC Architects.

Roy Berson of JVC Architects, 5385 South Cameron, Suite 15, Las Vegas, NV 89118 asked for clarification on Condition No. 3.c which talked about emphasizing the main entrance elements with variations in roof lines to provide visual interest. He stated they had achieved that with their design and was not sure why it was a recommendation. He pointed out the roof lines varied in height and the main element was pushed forward and there was also a larger cantilevered roof to emphasize the main entrance. He also asked for clarification on Condition No. 3.e which talked about pop-outs around the windows on all sides of the building. He explained the design was contemporary and they had incorporated, on most of the windows, some architectural elements. There were some windows along the east elevation and the north elevation which did not have pop-outs, which they felt were not conducive to a contemporary style architecture; however, they were recessed to provide a shadow within the windows and asked for Condition No. 3.e to be waived.

Mr. Sabra stated that on Condition No. 9 they were asking that the meandering sidewalk along Washburn Road be waived. They were asking for it at this time due to their inexperience and the previous contractor not requesting it at the proper time. As Staff had stated, they would be applying for a special use permit for the day care center, which would require a playground, so they would like to keep the sidewalk against the curb and gutter so they would have the opportunity to take the playground out as far as possible. There would be a rolling wall and it would give a meandering sidewalk element look. The other reason was to have some continuity along Washburn Road, as there were no meandering sidewalks along Washburn as far as you could see in each direction. Mr. Sabra also addressed the conditions in the Public Works memo dated November 16, 2006, which he received by fax late today, which were what had been discussed previously in August. Most of the information in the conditions had been previously agreed to with the exception of the wording that said "they were responsible for all AC pavement replacement or patching for storm drain installation for the entire length." They had some problems with that, as far as the cost issue, as they were completely unaware of what that would be. They do know what the cost would be for all of the piping. Also, the reason they do not know what the cost issue would be, was they were not sure what was going to be torn up and how thick the asphalt was and they felt it was an undue burden put on them at the last

minute. It was not something that was discussed with them in advance and did not believe it was their burden to bear. Other than the Public Works condition, they agreed with Staff recommendation and asked for approval.

Chairman Angelo Carvalho opened the Public Hearing. The following participant came forward:

- **Bob Borgersen, 7617 Island Rail, North Las Vegas, NV 89084** stated he was in favor of the application.

Chairman Carvalho closed the Public Hearing.

Commissioner Jay Aston stated if the applicant had already met Condition No. 3.c, it was a mute point and he asked Staff if Condition No. 3.e could be amended to add “architectural relief shall be provided around the windows on all sides of the building” instead of pop-outs. Ms. Aldava responded Staff’s suggestion was to amend Condition No. 3.c to read: “Emphasize the main entrance elements with variations in roof lines to provide visual interest, subject to Staff review and approval,” and amend Condition No. 3.e to read: “Pop-outs, recessed windows, or other architectural features shall be provided around the windows on all sides of the building.” Commissioner Aston stated the meandering sidewalk was still within the 20 foot landscape buffer and would like to see the condition met. He also stated, in regards to the AC pavement, it appeared there was a last minute change to the Public Works conditions and asked for comment from Staff. Ms. Aldava asked Commissioner Aston which condition he was referring to. Commissioner Aston explained he was referring to the Public Works memorandum they received tonight and it appeared in August, 2006 they had an understanding that there was an agreement regarding the storm drain and then the agreement was amended to include AC pavement, replacement and/or patching and asked if that included permanent pavement or just temporary AC patching, as that was a big cost difference. Nick Vaskov, Deputy City Attorney explained it appeared that since the time of the August letter, that Staff’s conditions with regard to the utility drain pipe had changed. The August letter was an information letter only; it was not a letter that bound the City in any way, as Cecil Sanchez did not have that authority and he thought Staff’s current conditions, with regard to the utility storm drain was what they would prefer.

Mr. Sabra stated they took the letter as a proposal and if Cecil was not authorized to bind them to the first agreement, then he could not bind them to the second one, as he signed them both. The argument was that they had an understanding in their minds, that they were responsible for one thing and today, at the last minute, they were now looking at a huge added cost. Commissioner Aston pointed out the way the memo was worded, “and be responsible for all AC pavement replacement or patching.” was ambiguous and there needed to be clarification as to what was meant regarding the AC.

Reverend Mark Lebsack, 2553 Washburn Avenue, North Las Vegas stated the agreement had been two years in the making and since dealing with Maryann in the Assistant City Manager's Office, progress had been made. Their civil engineer, David Dwyer, had been working on it for them and he had spoken with him earlier in the day and was assured that the August 1, 2006 proposal was what was finally agreed upon and they had not agreed to anything else since that time. The August agreement was the cause of the two year delay. They are ready to go forward with their building, but when they originally started, there were off-site requirements asked of them that totaled over \$300,000 and they had been going back and forth with negotiations and were not getting phone calls back and finally hired attorneys and then things began to move forward once they contacted the Assistant City Manager's Office. The agreement was that they would buy the material if the City would do the work; so, to get this new memo the afternoon of the meeting was quite a surprise.

Commissioner Aston stated he was in agreement with the applicant on the pavement issue.

Deputy City Attorney Vaskov stated approximately one week ago he received an e-mail regarding the issue with the application and he was not sure whether what he was told was agreed to, was what was reflected in either the letter submitted by the applicant, dated August 1, 2006, or in Staff's new conditions, in the memorandum dated November 16, 2006. He stated he did not know the technical matters, so he was not able to resolve the issue but there was a discrepancy between what he thought may have been agreed to, what the applicant believed was agreed to and possibly what Staff felt was agreed to.

Commissioner Aston asked where that was addressed in the recommended conditions. Deputy City Attorney Vaskov responded he thought they were addressed in the interoffice memo dated November 16, 2006. Deputy City Attorney Vaskov asked Staff if the conditions in the memo should be added to Staff's current recommended conditions. Ms. Aldava responded the conditions were supposed to be added to the recommended conditions listed in the Staff Report.

Commissioner Aston understood the applicant's perspective that they had been battling with an agreement on the storm drain for two years and now all of a sudden they were also taking care of the pavement. Deputy City Attorney Vaskov stated he knew for a fact there was an agreement, but did not know what it was and that was the problem. He believed the applicant had been working with Staff in good faith and had come to an agreement but it was unclear what it was.

Planning & Zoning Director Jory Stewart stated her Staff had not received anything from the Assistant City Manager's Office to substantiate which of the proposals were relevant so, in the absence of their office being represented, she suggested the application be held until they could determine which proposal had been agreed to.

Chairman Carvalho asked if any of the conditions that were viable, would affect the City. Director Stewart stated the only mention made to her regarding the situation was that David Bereskin of the Utilities Department came up with a good solution and she thought that had happened last week but could not confirm it. Chairman Carvalho asked if the application could go forward with an added condition. Director Stewart suggested the hearing be trailed to the end of the meeting so she could try to contact Assistant City Manager Maryann Ustick in order to find out what had been agreed on.

Chairman Carvalho trailed discussion to the end of the meeting.

Item No. 17 was heard next.

Chairman Carvalho reopened the hearing on UN-124-04.

Director Stewart stated Maryann Ustick initially suggested to consider the application without the additional conditions proposed by the Public Works Department, as the conditions were a separate agreement with the Utilities and Public Works Departments.

Commissioner Aston asked if there was a condition that referred to the correlation with Public Works. Ms. Aldava responded Condition No. 1 required the applicant to comply with all code and ordinance requirements. Commissioner Aston asked if the developer needed to pave where the City installed a storm drain, that the applicant provided the materials for, was addressed in a code or ordinance. Director Stewart responded she understood that would be addressed in a separate agreement. Commissioner Aston clarified that the agreement did not fall under the use permit.

Deputy City Attorney Vaskov explained there was a problem of what was agreed to, as the applicant thought there was an agreement but nobody was sure what the agreement was, so it seemed the two reasonable options were that the item be continued so that the exact wording of what was agreed to, could be agreed upon, and those could be added as conditions to the use permit or that adding the conditions was really done as a matter of convenience to applicant, because the storm issue was completely separate from the use permit and so, rather than having to go back and sit down and enter into an agreement and go through the time of drafting that, they thought they could add conditions to the use permit so the applicant knew what was required. If the applicant wanted to abandon the conditions altogether, the City was willing to do that and then they would work out a separate agreement with regard to the storm drain issue. Director Stewart agreed with Deputy City Attorney Vaskov's comment.

Mr. Sabra explained the reason they were having trouble accepting the additional conditions was because they had a proposal they had agreed to that would be a condition to the use permit so they did not have to make a separate agreement later, so there was no margin of error and they would not have to pay attorney fees above and beyond, since

this was a simple matter of asphalt and back-fill. They thought they had agreed to what was in the memo from Public Works dated August 1, 2006 and he explained they were a small congregation and were looking for some assurances so they could move forward.

Commissioner Aston stated he understood the applicant's concern to move forward and he felt whoever was doing the work on the storm drain should be responsible for the final condition of the section. The applicant was willing to get to a point where they could downsize their storm drain on their section and by doing that, agreed to purchase the materials on the City of North Las Vegas's section. In the development community, when you had one developer come on another developer's property, whoever did the work was responsible for it; so, whether the application was continued, depending on the other Commissioners, or whether the application moved forward, he felt if the City of North Las Vegas installed the storm drain from one section to another section, that all of the work for that section be done by the City. If the applicant was going to provide the material, part of the agreement was that they could downsize from 36" to 24".

Commissioner Steve Brown asked the applicant when they received the August 1, 2006 letter from Public Works, if they responded to it. Mr. Lebsack responded they did, it was handled by their civil engineer David Dwyer. Commissioner Brown agreed with Commissioner Aston, that this was a situation where someone from the City had made an agreement and it did not seem fair to make the applicant wait another two weeks for a decision on the use permit and thought the last sentence on Condition No. 22 should be deleted.

Commissioner Dean Leavitt stated he agreed with Commissioners Aston and Brown. He asked which Condition No. 22 he was referring to. Commissioner Brown stated it was the second Condition on the added conditions by Public Works.

Chairman Carvalho stated he concurred with the comments of previous Commissioners.

Director Stewart explained the use permit could move forward without the additional conditions from Public Works and the misunderstanding could be resolved later.

Commissioner Aston clarified the additional Public Works conditions were associated with the improvement plan process and not the use permit.

Mr. Sabra asked that the application be approved with the addition of the conditions listed in the letter from Public Works dated August 1, 2006.

Commissioner Dilip Trivedi stated he concurred with Director Stewart that the two issues should be kept separate and asked Deputy City Attorney Vaskov if the Commission had the authority to dictate who was responsible for the cost of the improvements. Deputy City

Attorney Vaskov responded any condition to a use permit needed to reasonably relate to the use. If the condition was with regard to something like the civil improvement plans or the building permits, it was in somewhat of a different realm and added the Public Works conditions were added more as a convenience as information to the applicant of what was agreed to, but it was obvious the conditions did not reflect what was agreed to.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS LISTED IN STAFF REPORT DATED NOVEMBER 21, 2006 WITH CONDITION NOS. 3.C AND 3.E AMENDED TO READ:

3.C. EMPHASIZE THE MAIN ENTRANCE ELEMENTS WITH VARIATIONS IN ROOF LINES TO PROVIDE VISUAL INTEREST SUBJECT TO STAFF REVIEW AND APPROVAL.

3.E. POP-OUTS, RECESSED WINDOWS OR OTHER ARCHITECTURAL FEATURES SHALL BE PROVIDED AROUND THE WINDOWS ON ALL SIDES OF THE BUILDING.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: Vice-Chairman Brown

ABSTAIN: None

The Public Forum was heard next.

17. **AMP-41-06 (27316) AZURE AND LINN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARK LEFKOWITZ ON BEHALF OF LINN AZURE, LLC, NORTH LYNN, LLC, I-15 EXPOSURE, LLC, AND GRAVITY FIGHTERS, LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REMOVE AZURE AVENUE BETWEEN LINN LANE AND BONNIE LANE; AND TO REMOVE LINN LANE COMMENCING 410 FEET NORTH OF REISS LANE AND PROCEEDING NORTH TO AZURE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-601-005, 123-28-601-003, 123-28-601-006, AND 123-28-601-010. (CONTINUED OCTOBER 11 AND NOVEMBER 8, 2006)**

The application was presented by Toni Ellis, Planner who stated the applicant met with the Department of Public Works and came to a satisfactory agreement, so Staff was recommending approval of AMP-41-06 and that it be forwarded to City Council.

Chris Croft of DRC Engineering, 7180 Dean Martin Drive #800, Las Vegas, NV 89118 appeared on behalf of the applicant stating he had met with Staff in several departments and came up with an agreement, which was that the vacation of the right-of-way would be allowed as long as they preserved an easement over that area until otherwise deemed not necessary and they were in agreement with it.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

18. **VAC-14-06 (26515) AZURE/LINN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARK LEFKOWITZ, ON BEHALF OF LINN AZURE, LLC, I-15 EXPOSURE LLC, GRAVITY FIGHTERS, LLC, AND NORTH LYNN, LLC, PROPERTY OWNERS, TO VACATE THE SOUTHERLY PORTION OF AZURE AVENUE BETWEEN LINN LANE AND BONNIE LANE; TO VACATE LINN LANE COMMENCING 1,352 FEET NORTH OF TROPICAL PARKWAY AND PROCEEDING NORTH APPROXIMATELY 275 FEET; AND TO VACATE THE WESTERLY PORTION OF LINN LANE COMMENCING AT AZURE AVENUE AND PROCEEDING NORTH APPROXIMATELY 100 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-501-010, 123-28-601-003, 123-28-601-005 AND 123-28-601-006. (CONTINUED JULY 26, SEPTEMBER 13, OCTOBER 11, AND NOVEMBER 8, 2006)**

The application was presented by Toni Ellis, Planner who stated the applicant met with the Department of Public Works and came to an agreement but, they did not discuss it with the Utilities Department until today; so, Staff was recommending approval with an amendment to Condition No. 1 to read: "A drainage easement and a 40' public utility easement shall be reserved over the entire area to be vacated, unless not required by the Director of Utilities and the Director of Public Works," and Condition No. 3 added to read: "The vacation is required to record subsequent to the dedication of the east half of Bonnie Lane between Reiss Lane and Azure Avenue." The original conditions listed in the Staff reported dated October 11, 2006 are as follows:

1. A drainage and public utility easement shall be reserved over the entire area to be vacated.
2. Should the Order of Vacation not record within one year of the Planning Commission approval date, the vacation shall be deemed null and void.

Chris Croft of DRC Engineering, 7180 Dean Martin Drive #800, Las Vegas, NV 89118 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 1 AMENDED AND CONDITION NO. 3 ADDED TO READ:

1. A DRAINAGE EASEMENT AND A 40 FOOT PUBLIC UTILITY EASEMENT SHALL BE RESERVED OVER THE ENTIRE AREA TO BE VACATED UNLESS NOT REQUIRED BY THE DIRECTOR OF UTILITIES AND THE DIRECTOR OF PUBLIC WORKS.

3. THE VACATION IS REQUIRED TO RECORD SUBSEQUENT TO THE DEDICATION OF THE EAST HALF OF BONNIE LANE BETWEEN REISS LANE AND AZURE AVENUE.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

19. T-1276 (27063) MONTE VERDE. AN APPLICATION SUBMITTED BY CENTENNIAL LAMB, LLC, PROPERTY OWNER, FOR A TENTATIVE MAP IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 536 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND NOVAK STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-501-001, 123-29-101-008, 123-29-101-011, 123-29-101-011, 123-29-101-012, 123-29-101-013. (CONTINUED SEPTEMBER 13, OCTOBER 11, AND NOVEMBER 8, 2006)

The application was presented by Mary Aldava, Senior Planner who stated a revised map had been submitted which addressed the parking issues around the perimeter of the site and Staff was satisfied with the solution to the problem and an open space exhibit was submitted, which showed the open space areas, not including court yards, would total 193,369 square feet. The total open space required for the development was 214,400 square feet and the court yards were shown as open space; however, areas which are not a minimum of 20 feet in width cannot be counted. Additionally, some of the areas shown as open space include sidewalks located along the parking areas, which cannot be counted; therefore, an additional 21,032 square feet of open space, plus the areas shown as open space, which are actually sidewalks must be provided. Staff was recommending T-1276 be continued to allow the applicant to comply with the open space requirement. If the Commission determines approval was warranted, Staff recommends the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Approval of a drainage study is required prior to submittal of the civil improvement plans.
3. 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.
4. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
5. The property owner shall dedicate right-of-way for the Clark County Regional Flood Control District facility, RWRR 0092, that parallels the Union Pacific Railroad right-of-way. The width of which will be determined upon approval of a technical drainage study and shall be clearly identified on the final map and civil improvement plans.

6. The developer shall obtain from the Bureau of Land Management the right-of-way required for the northerly half of Centennial Parkway.
7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Centennial Parkway
 - b. Novak Street
8. The developer is required to landscape the median island within Centennial Parkway and provide a travel lane north of the subject median.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
11. A revocable encroachment permit for landscaping within the public right of way is required.
12. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
13. This project shall be mapped as condominiums.
14. Final map must be labeled as a "Merger and Resubdivision".
15. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works. The *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk* may be required.
16. 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.
17. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

18. Approval of a traffic study is required prior to submittal of the civil improvement plans.
19. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
20. Right-of-way dedication for a CAT bus turn-out is required on Centennial Parkway east of Novak Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1 or 234.3.
21. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
22. 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.
23. All known geologic hazards shall be shown on the 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.
24. Fire Department apparatus access from Novak Street onto the northern fire access lane of this development is required.
25. Fire Department apparatus access into this development from Silverado Sage Street is required.
26. Fire access lanes shall be located in accordance with Fire Code requirements
27. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
28. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

29. The following list of amenities should be provided as a minimum:
- a. Circuitous lighted paths;
 - b. A minimum 20 24-inch box trees per acre;
 - c. At least two separate locations providing 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (4 play structures total)
 - d. At least one large open space area for group / organized play;
 - e. One large group shade area / gazebo (30' diameter), lighted;
 - f. Swimming pool(s) with clubhouse
 - g. Multi-use court (i.e. basketball, tennis volleyball);
 - h. Picnic tables and barbecue grills;
 - i. Benches spaced along park pathways;
 - j. Dog stations at grass areas;
 - k. ADA accessibility;
 - l. Details of amenities to be provided.
30. The applicant must comply with the conditions of approval for SPR-15-06 and SPR-16-06.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating at the time of the site plan review the open space criteria was discussed and from that point, they filed the tentative map. Since that time, the application has been held three times and during that time, they submitted a revised tentative map to try to resolve some issues with parking, on site flow of parking and traffic and felt the issues had been resolved. The only problem was the open space and the tentative map showed they met the open space standards of the code. The purpose of a tentative map was to show where the buildings would be located, to map the units correctly per Condition No. 13 of the Staff Report; it was not to go back and re-review issues that had been addressed at the time of site plan review. He stated, as shown on the plan, they meet the criteria of the code addressed at the time of the site plan review and asked for approval.

Commissioner Jay Aston asked Mr. Clapsaddle if he agreed with the conditions of approval. Mr. Clapsaddle indicated he was in agreement with the drainage study, Clark County Regional Flood Control, all those things.

Commissioner Aston asked Staff the purpose of the site plan review. Marc Jordan, Planning Manager explained this was considered a major project; so, any multi-family development that had 60 units or more was major and required a site plan review. The purpose was to look at the design and to ensure it complied with code requirements. In this case, it also must comply with some of the issues brought up at Council level that the applicant indicated they would do, such as the buildings would be set back at least 240 feet

from the center line of the tracks. The purpose of the tentative map was to make sure the project was in compliance and that it would be a for-sale product. Commissioner Aston asked if the project went before Council. Mr. Jordan responded it did, as Council wanted it to be a for-sale product, not an apartment complex so they would need the tentative map to be able to accomplish it. Commissioner Aston asked Staff if the recommended conditions adequately addressed the ability to resolve any concerns they might have. Ms. Aldava responded Condition No. 30 indicated the applicant would need to comply with the conditions of approval of the site plan reviews. Commissioner Aston stated it seemed like the site plan review was being superceded with the tentative map. Ms. Aldava stated the tentative map would mirror the site plan review application; so, the open space was also reviewed with the site plan reviews. Commissioner Aston stated it seemed the configuration of the site was changing from the site plan review to the tentative map and that was why he was confused. Mr. Jordan explained in reviewing the tentative map, Staff wanted the tentative map to be in compliance with all ordinance requirements and the site plan reviews that had been approved for it; therefore, the conditions that were listed, as long as the applicant complied with them were sufficient.

Commissioner Steve Brown stated it appeared the site plan had changed in order to conform with the tentative map requirements and he liked the old site plan and asked if he approved the application, if he was also approving the new tentative map.

Mr. Clapsaddle explained the original tentative map submitted looked like the site plan. Staff raised some issues through the tentative map process and through that process they tried to work through the issues. He stated they agreed with the conditions of the site plan and brought in the tentative map and had been working with Staff as far as getting the map approved and had made some changes and he felt the tentative map provided showed conformance to open space.

Commissioner Aston felt the applicant and Staff would be able to work out the issues with the conditions listed. Mr. Clapsaddle agreed and said they were ready to move forward.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi

NAYS: None

ABSTAIN: None

Chairman Carvalho went back to Item No. 16 on the agenda.

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 8:25 p.m.

APPROVED:

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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