

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

July 11, 2007

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

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

CALL TO ORDER: 6:06 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

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

STAFF PRESENT: Jory Stewart, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bob Hoyes, Planner
Nick Vaskov, Deputy City Attorney II
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works
Mike Steele, Fire Department
Michelle Menart, Parks Planner
Jose Rodriguez, Police Department
Xiaohui Yu, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Vice-Chairman Dilip Trivedi

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Harry Shull

Item No. 7 was heard next.

ELECTION OF PLANNING COMMISSION OFFICERS

ACTION: TABLED TO JULY 25, 2007

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF JUNE 13, 2007.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Cato, and Thomas

NAYS: None

ABSTAIN: Commissioner Shull

NEW BUSINESS

1. **ZN-47-05 (30580) CRAIG AND NORTH 5TH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TAS NEVADA LLC-THE ATHENA GROUP, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD PLANNED UNIT DEVELOPMENT CONSISTING OF:**

MINI-WAREHOUSING	97,700 SF	COMMERCIAL RETAIL	1,130,300 SF
CHILDCARE FACILITY	5,100 SF	MULTIFAMILY DWELLING UNITS	291 UNITS
OFFICE/WAREHOUSE	153,100 SF	DETACHED TOWNHOMES	92 UNITS
ATTACHED TOWNHOMES	313 UNITS		

THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF NORTH FIFTH STREET AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-02-401-003. (CONTINUED JUNE 27, 2007)

The application was presented by Jeremy Davis, Urban Designer who explained the application was for an amendment to a previously approved Planned Unit Development to change the approved site plan and also included additional waivers. The revised site plan would include 1.2 million square feet of retail commercial and lifestyle center, approximately 700 dwelling units and a small office warehouse/mini-warehouse component on the southeast corner of the site. The applicant also requested two additional accesses to North 5th Street. The applicant requested a private street with modified street cross sections, which Staff agreed to; but, the applicant would be subject to an application for alternative materials and methods for the streets. Staff also agreed that the applicant could waive the majority of the single-family small lot development standards, except for the architectural standards for the individual homes and also agreed to a waiver of the location for the secondary parking space for multiple-family to be placed up to 200 feet away from the unit on several limited locations that were shown on the residential waiver request plan. Staff also agreed to reduce the building separation for approximately 11 locations on the residential site and increase the distance to open space amenities. There were several other minor waivers included with the application that Staff had agreed to. The applicant also requested waivers to the distance separation between on-sale uses and schools, churches, and day care facilities, as well as from tavern/restaurant to tavern/restaurant. The 400 and 500 foot distance separation could not be waived, and would effect the site plan in a minor way. The 2500 foot distance separation request could not be applied to the site because there was not a significant barrier between taverns that would be located on the site and the Buffalo Wild Wings located at Craig Road and Commerce Street and the Mulligan's, which was located approximately 2300 feet to the east of the out parcel for the application. The applicant also requested a waiver of the 1500 foot distance separation between a church, day care, or school and an on-sale use. He explained, in the zoning ordinance, this provision could be waived as long as a significant barrier existed between

the proposed tavern and the school, and Canyon Springs High School was at the southeast corner of Alexander Road and North 5th Street. If the 1500 foot provision were enforced for the site, it would take up most of the majority of the commercial area and prevent any on-sale uses from occurring there. Since North 5th Street was a 150 foot right-of-way and Code allowed for a 150 foot right-of-way to be declared as a significant barrier, Staff was in agreement with the request, but asked the Commission to keep in mind that in approving it as a distance separation waiver, there were crosswalks and lights crossing North 5th Street at Alexander Road and San Miguel Street.

Mr. Davis explained the previous site plan showed the residential clustered around the northwest corner of the site and the revised site plan showed residential located along the southern Alexander Road and along the Las Vegas Wash. On the south side of Alexander Road there was some heavy industrial uses as well as along the east side of the Las Vegas Wash. The Potlatch and Las Vegas Co-Generation Facilities located on the south side of Alexander Road filed letters of opposition to the revised site plan. The Fire Department was also concerned about the revised site plan due to the possible location of hazardous uses with the Co-Generation facility or other industrial users in the area and the proximity distance to the residential uses. Staff was not in support of the revised site plan and was recommending denial of ZN-47-05. Should the Commission determine approval was warranted, the following conditions were recommended:

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 shall be submitted for each phase of the Planned Unit Development.
3. A final phasing plan shall be submitted with the first final development plan for this Planned Unit Development.
4. Building elevations shall be submitted for each commercial and multi-family building with the final development plan for each phase of this Planned Unit Development.
5. Once the final development plan is approved, the City Manager or his designee may administratively approve minor deviations. Minor deviations are changes which do not result in greater than a ten percent (10%) variation from the dimensional or design standards or conditions approved as part of the final development plan.
6. 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.

7. Adequate parking shall be provided and shown on the final development plan, and shall comply with the zoning ordinance or a shared parking analysis subject to staff review and approval.
8. A “major entertainment amenity,” shall be developed as part of the second phase of this development. The major amenity shall be a minimum of 75,000 square feet in the aggregate, identified on the final development plan and the type of entertainment venue shall be subject to approval by the Planning Commission as part of the final development plan review.
9. Interior driveways shall meet the minimum requirements of an “interior street scape” in a planned unit development, and street furniture that is approved by the Public Works Department and Planning and Development Department, shall be required, as approved by staff.
10. 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.
11. The number of single family and 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.
12. Exterior roof ladders and down spouts shall not be permitted.
13. In addition to the stipulations stated herein, the multifamily buildings and the site plan of the residential component in the development shall comply with the Multiple-Family Development Standards and Design Guidelines, except for the following:
 - a. The building separation may be reduced for up to 11 locations from 20 feet to 15 feet. The final locations shall be shown on the final development plan.
 - b. Buffer landscaping areas with a minimum width of 20 feet along the future regional trail may be counted towards open space requirements.
 - c. Multifamily structures may access the same interior private local streets and drive-aisles as single family.
 - d. Multifamily buildings over one story may be within 50 feet of a single family residential buildings located within the development.

- e. The minimum buffer landscaping between multifamily uses and other uses shall be an aggregate minimum width of 20 feet unless the required trees cannot be provided on each side in the reduced area. If the trees cannot be provided, then the buffer landscape area shall be increased. An exhibit demonstrating compliance shall be submitted with the final development plan.
 - f. Buffer landscaping areas along the trail may be provided as shown unless the required trees cannot be provided in the reduced area. If the trees cannot be provided, then the buffer landscape area shall be increased. An exhibit demonstrating compliance shall be submitted with the final development plan.
 - g. The second required parking stall for multifamily dwelling units may be located more than 150 feet from the dwelling unit, but not more than 200 feet for up to three locations. The final locations shall be shown on the final development plan, with an exhibit demonstrating compliance.
 - h. This condition may be modified, waived, replaced or altered upon the review and approval of the Master Development Plan and Design Guidelines by the Planning Commission to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of the mixed use zoning ordinance or other code requirements of the City, as adopted by the City Council upon submittal of a final development plan.
14. The commercial component shall comply with the Commercial Development Standards and Design Guidelines of the City, except for the following:
- a. The minimum buffer landscaping areas between commercial and other uses shall be an aggregate minimum width of 20 feet unless the required trees cannot be provided on each side in the reduced area. If the trees cannot be provided, then the buffer landscape area shall be increased. An exhibit demonstrating compliance shall be submitted with the final development plan.
 - b. At a minimum one tree diamond shall be provided every three (3) parking spaces in every double row of parking in lieu of the requirement for a row of landscaping every other double row of parking. The tree diamond shall have a minimum interior width of five feet.
 - c. Parking areas larger than 120 parking spaces may be permitted so long as the applicant can provide the required number of trees as part of a landscaping plan to be submitted as part of the final development plan.

- d. This condition may be modified, waived, replaced or altered upon the review and approval of the Master Development Plan and Design Guidelines by the Planning Commission to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of the mixed use zoning ordinance or other code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.
15. The Single Family Detached Townhomes shall be exempt from the Small Lot Design Guidelines, and shall comply with the following:
 - a. A different combination of setbacks, building heights and roof planes must be used so that no three adjacent houses look the same.
 - b. Garages must meet minimum dimension requirements for single family dwelling units, and must meet the architectural standards in Section 17.24.215(D)(2)(a), (b), (c), (d), and (f) as well as Section 17.24.215(D)(3).
 - c. Homes must comply with the architectural standards for small lot homes in Section 17.24.215(E).
 - d. Parking, vehicular, and pedestrian circulation for this development must comply with Section 17.24.215(G) except for 17.24.215(G)(3).
 - e. The residences shall contain a minimum of 1,200 square feet.
 - f. The building height shall be a maximum of 28 feet.
 - g. This condition may be modified, waived, replaced or altered upon the review and approval of the Master Development Plan and Design Guidelines by the Planning Commission to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of the mixed use zoning ordinance or other code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.
 16. The industrial component shall comply with the Industrial Development Standards and Design Guidelines, except for the following:
 - a. The minimum buffer landscaping areas between the industrial component and the residential component shall be an aggregate minimum width of 20 feet unless the required trees cannot be provided on each side in the reduced area. If the trees cannot be provided, then the buffer landscape area shall be increased. An exhibit demonstrating compliance shall be submitted with the final development plan.

- b. This condition may be modified, waived, replaced or altered upon the review and approval of the Master Development Plan and Design Guidelines by the Planning Commission to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of the mixed use zoning ordinance, or other code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.
17. A combination wrought iron and decorative wall that is aesthetically compatible with the trail design shall be placed between this development and the regional trail. The final design shall be shown in the Master Development Plan and Design Guidelines with the final development plan.
18. A minimum of four access points shall be provided to the regional trail adjoining the Las Vegas Wash. One access point shall be provided at the northern most edge and the southern most edge of the retail commercial adjoining the Las Vegas Wash. One access point shall be provided adjacent to Alexander Road. Gateway treatments shall be provided at all trail access points as approved by Planning and Zoning Department and the Parks and Recreation Department, and shall be shown in the Master Development Plan and Design Guidelines with the final development plan.
19. 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 of the following:
- a. The following Special Uses in Section 17.20.110 of the Zoning Ordinance (Title 17) shall not require the approval of a special use permit within the commercial portion of the property:
 - i. Banks and financial institutions, excluding payday loan, check cashing and other similar facilities
 - ii. Video Game Arcades
 - b. The following uses shall be prohibited from this Planned Unit Development:
 - i. Automobile drive-in theater
 - ii. Automobile repair
 - iii. Cemeteries
 - iv. Mortuaries
 - v. Recreational Vehicle Park and campgrounds
 - vi. Swap meet, flea market
 - vii. Automobile, boat or recreational vehicle sales, service and rental lots
 - viii. Pawnshop
 - ix. Short Term, Deferred Deposit, or Auto Title Loan

20. Industrial uses in this Planned Unit Development shall only be those allowed under the M-1, Business Park Industrial District as principally permitted uses, or as special uses subject to Title 17 § 24.020, with the exception of the following:
 - a. The following uses shall be prohibited from the industrial portion of this Planned Unit Development:
 - i. Short Term, Deferred Deposit, or Auto Title Loan
 - ii. Pawn Shop
 - iii. Hazardous materials in quantities exceeding the maximum allowable quantities per the adopted fire code
 - iv. Convenience Food Restaurants
 - v. Other uses where it cannot be shown that adequate parking exists onsite according to current Zoning Ordinance (Title 17) requirements.
21. The quantity of "On-Sale" uses in this Planned Unit Development shall be permitted under the requirements of the MUD, Mixed Use Development District (Section 17.20.230(F)(10)) which allows for one on-sale use per 50,000 square feet of commercial floor area. The ratio of tavern/restaurants to supper clubs shall not exceed two to one. Future "on-sale" establishments shall maintain the following distance separations as would be measured for an "on-sale" use permit in the Zoning Ordinance (Title 17):
 - a. 400 feet from the Canyon Springs High School property
 - b. 500 feet from residential developed at the time of approval for this planned unit development
 - c. 2,500 feet from tavern/restaurants, saloons, and non-profit clubs in existence or approved at the time of approval for this planned unit development
 - d. Distance separation requirements for "on-sale" uses within the project shall be consistent with the MUD, Mixed Use Development District (Section 17.20.230(F)(10)).
 - e. If lesser standards than outlined above are approved in the future, then the lesser standard may be approved thorough the "on-sale" use permit process.
22. The number of Multi-family dwelling units shall be limited to a maximum of 750.
23. The developer shall disclose the appropriate Airport Terminal Environs Overlay District to any lessee of, or upon the sale of property included in this application. The developer shall also disclose that this property is located in the 65-70 (or 70-75) decibel noise Air Installation Compatible Use Zone (AICUZ) as defined by Nellis Air Force Base in September 2004. The United States Air Force discourages residential development in the 65-70 decibel AICUZ areas and strongly discourages residential development in the 70-75 decibel AICUZ areas.

24. The applicant shall submit an engineered diagram of the entrance driveway off of Craig Road. The engineered diagram shall show safe pedestrian crossing of the proposed driveway from the trail easement adjoining Craig Road to the trail right-of-way adjoining the wash.
25. The perimeter setbacks for this development shall conform to the requirements of the C-2, General Commercial Zoning District.
26. The Master Development Plan and Design Guidelines submitted with this application shall apply to this development and is adopted by reference. If there is a conflict between the Master Development Plan and Design Guidelines and any applicable code or ordinance, the more restrictive shall apply on matters not specifically articulated or depicted in the Master Development Plan and Design Guidelines.
27. Signs for the commercial component of this development shall be limited to signage permitted with the C-2, General Commercial zoning district, subject to approval of a unified sign plan.
28. The Master Development Plan and Design Guidelines shall be amended to be consistent with the conditions of approval for ZN-47-05. A final conformed Master Development Plan and Design Guidelines shall be submitted prior to the submittal of the first Final Development Plan.
29. Bicycle parking shall be provided as follows:
 - a. One space shall be provided per 10,000 square feet of indoor floor area in the commercial component, with a minimum of 25% covered.
 - b. One space shall be provided per 20,000 square feet of floor area in the industrial component, as approved by staff.
 - c. One space shall be provided per five dwelling units, as approved by staff.
 - d. Bicycle parking shall be conveniently located throughout the development, as approved by staff.
30. The following minimum open space amenities/conditions, shall be illustrated on an open space exhibit submitted with the Final Development Plan:
 - a. Circuitous lighted paths with marked pedestrian crossings;
 - b. A minimum of twenty 24-inch box trees per acre;

- c. At least two locations providing 2 differing, age-appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface (4 play structures total). Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes;
 - d. A minimum of two swimming pools with a total area of 3,132 square feet and accompanying clubhouses, restrooms, decking, barbecue areas, and shade structures. No more than 25% of the floor area of the clubhouse/recreation buildings (included in the open space calculation) shall be dedicated for uses other than common recreation and incidental support facilities. The floor plan of the recreation building shall be subject to the staff approval during review of the Final Development Plan;
 - e. A minimum of one fitness facility;
 - f. Shaded picnic areas, including picnic table(s), barbecue grill(s), and trash receptacle(s). At least one picnic area shall include a 30' diameter, lighted shade structure that can accommodate a large group gatherings;
 - g. At least one large open space area for group/organized play;
 - h. Two sport courts (i.e. basketball, sand volleyball, tennis, etc.) or staff approved substitute;
 - i. Benches spaced along pathways;
 - j. Bicycle racks at 4-5 different locations;
 - k. Dog stations;
 - l. Active Open Space Area "A" shall include at minimum: enhanced paving; shade structures/canopies; provisions for both permanent seating (i.e. seat walls) and movable seating; and an interactive water feature w/ computer controlled "choreography;"
 - m. Enhanced intersection treatments at N. 5th Street and Craig Road and N. 5th Street and Alexander, which generally include colored/textured concrete paving, seat walls, powder-coated street trellis structures, and shade trees;
 - n. Pedestrian access gates to the Las Vegas Wash Regional Trail; The Developer shall be responsible for construction of public trail and landscape improvements along North 5th Street and Craig Road, in conformance with the design standards applicable at the time of the Final Development Plan application;
 - o. All open space areas and amenities shall be ADA accessible and developed in compliance with the CNLV 2004 Park Design Standards; and
 - p. Details of amenities to be provided.
31. The City shall require the developer to provide mid-block, at grade, fully signalized access to the project on both Craig Road and North Fifth Street. Any future redesigns of the roadway must maintain these access points. The developers, or any successor, would be required to fund at-grade mitigation measures should the developer's traffic study indicate such mitigation measures are required as a result of traffic impacts from this development. All other access points shall be right-in/right-out.

32. As a minimum requirement, North 5th Street shall be designed in accordance with the City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements, with the developer providing a permanent asphalt section west of the landscaped median (as typically required of all new construction) to accommodate one southbound travel lane.
33. The developer shall provide temporary asphalt on North 5th Street to accommodate a second southbound travel lane from Craig Road to the existing Canyon Springs High School improvements.
34. The developer shall provide full width temporary asphalt adjacent to APN 139-11-101-001, at the southeast corner of North 5th Street and Alexander Road.
35. Should the City Council conclude that a Special Improvement District, or alternate method of requiring the ultimate cross-section for North 5th Street (per City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements), Alexander Road, and/or any other public streets, is in the best interest of the City, the two conditions stated above become irrelevant and shall be removed. The conditions (Condition 2 of the Public Works Memorandum) may be modified accordingly.
36. All interior streets within this development, residential or commercial, are private streets and are to be privately maintained; unless otherwise approved by City Council. Should the City Council choose to accept the internal connector street (San Miguel/Donna) as a public street, the developer will be required to provide pedestrian access easements, encroachment permits and a maintenance agreement, as maintenance of the subject encroachment street will be the responsibility of the developer and/or its successors or assigns.
37. Approval of a master transportation study is required prior to submittal of the civil improvement plans.
38. A queuing analysis is required for the gated residential streets.
39. The master transportation study must be accepted by the Freeway and Arterial System of Transportation (F.A.S.T.) prior to approval of the civil improvement plans.
40. A master transportation plan with modeling containing 20-year projections will be required prior to submittal of the civil improvement plans.
41. A minimum of five (5) stacking spaces (as measured from the Order Board) is required for drive-thru's.

42. 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.B:
 - a. North 5th Street 150'
 - b. Alexander Road 80'
43. Right-of-way dedication for a flared intersection, including a right turn lane, is required at North 5th Street and Craig Road, and at Alexander Road and North 5th Street per the City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements, Drawing Number 201.1 and 245.1 ALT.
44. Right-of-way dedication and construction of a CAT bus turn-out is required on Craig Road near North 5th Street per the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 234.1 or 234.3.
45. The developer shall provide, at minimum, the following geometrics at the east leg of the signalized intersection of North 5th Street and San Miguel Avenue: two eastbound receiving lanes, two westbound left turn lanes, one westbound through lane, and one westbound right turn lane.
46. The developer shall provide additional right-of-way per Standard Drawing 201.1 for dual left turn lanes for the north leg of the intersection of North 5th Street and San Miguel Avenue.
47. If the proposed traffic signal at Alexander Road and Donna Street is supported by a warrant study, 100% of the cost will be paid by the developer.
48. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Craig Road, Alexander Road and North 5th Street, if not already existing.
49. 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.
50. Approval of a drainage study is required prior to submittal of the civil improvement plans.
51. 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.

52. 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.
53. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
54. Structures will not be permitted on/over the underground storm drain facility located along Craig Road, subject to the Director of Public Works or his designee.
55. Trees shall not be planted within five (5) feet of the drainage facility along Craig Road.
56. Any proposed items within existing drainage easements are subject to review and approval of the Director of Public Works or his designee.
57. Acceptance of this Preliminary Site Plan shall not be construed to be approval of any flood control/storm drain facilities shown; approval of any drainage concepts or facilities are contingent upon the approval of the Technical Drainage Study for the development.
58. Proposed internal streets and accesses are subject to review and approval by the Department of Public Works.
59. Not including garages, a minimum of one guest parking space shall be provided for every three single family residential units. The guest parking space shall be located within one hundred fifty (150) feet of the unit being served. Modifications to the site may be needed to accommodate this requirement.
60. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the North Las Vegas Municipal Code.
61. 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.

62. A revocable encroachment permit for landscaping within the public right of way is required.
63. 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.
64. In order to continue the public trail along Craig Road, a pedestrian access easement must be granted over the existing thirty (30) foot drainage easement and over the area between that drainage easement and Craig Road.
65. All off-site improvements must be completed prior to final inspection of the first building, or as otherwise required by the Director of Public Works.
66. A fire safety analysis in accordance with sound engineering principles shall be completed by a third party and approved by the North Las Vegas Fire Department prior to submission of the final development plan to the City of North Las Vegas. The analysis must address the acceptability of the proximity of the proposed residential development to the existing industrial sites. The analysis is to be done by a third party Nevada licensed fire protection engineer, selected by the applicant and approved by the Fire Department. The applicant must incorporate all recommendations enumerated in the approved fire safety analysis into the building design and site layout of the proposed project.
67. Fire access lanes shall be located in accordance with Fire Code requirements or a Fire Department approved Alternate Material & Method shall be provided.
68. Fire access lanes shall be designed in accordance with Fire Code requirements.
69. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
70. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
71. Dead-end fire access lanes exceeding 150 feet in length shall be designed in accordance with Fire Code requirements.
72. Gates restricting traffic across required access lanes shall be in accordance with Fire Code requirements.

73. A minimum of two means of Fire Department access shall be provided for the proposed town homes (Alexander & Donna) and the proposed motor court homes (Alexander & Bruce).
74. The wall building along East Alexander shall be covered with a graffiti resistant coating to a height of at least 10 feet. Defensive (thorny) landscaping shall be planted adjacent to the wall.
75. The pedestrian gates on the walking paths between the residential and retail areas, as well as those near the Las Vegas Wash shall be spring loaded with mag locks installed.
76. There shall be Knox Boxes installed at all entrances to the residential area. There shall also be directories and way finding signs mounted at the entrances to both the residential and retail areas.
77. The residential area shall have a posted speed limit of no more than 25 miles per hour.
78. Site maps of both the residential and retail areas shall be provided to all emergency services.
79. Wrought iron fencing shall be installed along Craig Road and the Las Vegas Wash sides of the residential component of this development, except as otherwise required by the Zoning Ordinance (Title 17).
80. There shall be paseos installed between the buildings in the residential areas that back to the rear of another building, as approved by the North Las Vegas Police Department.
81. Balconies shall be provided on the sides of the building that faces a paseo, as approved by the North Las Vegas Police Department.
82. The prospective home buyers shall sign a written notice on a separate page declaring knowledge of the existence of the adjacent industrial uses, wherein the housing development may be subject to nuisances created by the industrial uses.

Vice-Chairman Dilip Trivedi recognized Assemblywoman Marilyn Kirkpatrick and Assistant City Manager Maryann Ustick.

Jeff Silver of the Law Firm of Gordon & Silver, 3960 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant along with George Garcia of G.C.

Garcia, Inc. Mr. Silver explained the project was previously approved and now the applicant was asking for an amendment, that recognized the limitations and benefits of the parcel of land before the Commission and introduced the people who were involved in the development of the project, if the Commission had questions and indicated the life safety issue had been raised by the Fire Department and they were willing to discuss them if necessary.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 explained the engineer prepared a life safety report to identify any hazards that would rise to a level that would cause a residential project to be inappropriate or a part of the residential project to be inappropriate and indicated the preliminary reports showed there were no such fears that were well grounded or substantiated by any of the research done. They were in discussions with the Fire Department and realized that as they go through the study and completed the findings and did the assessment, there may be some need for mitigation, which had not yet been determined, but if there was, they would work with the Fire Department to determine what mitigation measures, if any, would be appropriate. Mr. Garcia explained on the west side of North 5th Street there were single-family residences, a high school and also residential to the north of Craig Road. He agreed there was a lot of residential in close proximity to the M-2 uses. The co-gen facility was buffered beyond what was required by Code, which was 65 decibels at their lot line, and, not only had they provided a land use buffer with the industrial, which was DP Partners on the southeast corner, they built physical barriers into their residential, they built noise attenuation into it and made sure there was no outdoor living spaces on the south side of Alexander. On the west side of the project by Potlatch, there was commercial, so they tried to design the project to fit in with the environmental, physical, and neighborhood constraints to make the project compatible and the studies indicated they had been successful. He explained the project had a million and a half square feet of non-residential, in addition to 750 dwelling units. There would be approximately 2500 jobs created on a permanent basis, 2,000 jobs for construction and approximately 450 million dollars for permanent value. There would also be improvements to North 5th Street, Alexander and Craig Road and also amenities. Mr. Garcia gave an overview of the project.

Vice-Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Linda Sanders, 2105 East Alexander Road, North Las Vegas, NV 89030** indicated she had a boarding kennel across from the site and was worried once the project was complete, there would be complaints regarding her business.
- **Spencer Apple, 1011 East Alexander Road, North Las Vegas, NV 89030** owner of Southern Nevada Light Weight and Tri Delta, indicated his business was located directly across from the proposed project. He stated he did not have a problem with

the majority of the project, but was concerned about mixing industrial and residential. He met with the applicant and came up with some changes that might work and indicated he was opposed to the project until the changes were put into effect.

- **George Tatar, 1711 Alexander Road, North Las Vegas, NV 89030**, Plant Manager of Las Vegas Co-Generation, was opposed to the residential portion of the development and felt it was not appropriate to have residential units directly across the street from industrial zoned property.

Mr. Silver stated he had never heard barking dogs at the kennel over the noise from the Co-Gen plant in the background, but indicated the facilities they intended to build were built to the same standards as residences that were built on major freeways in Southern California, explaining they were designed to reduce the decibel level as much as 20 to 30 decibels and since there were no windows or outdoor activities of the residences immediately abutting Alexander Road, the sound of a dog would not be heard by any of the residents and he understood, with respect to the Co-Gen Plant itself, assuming they were in compliance with City Codes, their sound engineers indicated they could deal with the noise problems in the construction of the residences. He explained the site was difficult to work with due to the fissures and other issues that limited how the site could be configured. There were also limitations on what was needed to make the project financially viable and residential was a necessary component. The architects were able to come up with a plan that had the flows and was protective and mindful of the surrounding environment. He felt the project should not be held up due to the existing industrial uses.

Mr. Garcia explained they could work out a satisfactory agreement with Tri-Delta and Potlatch, where they could co-exist and were also willing to work with Las Vegas Co-Gen. He asked that on Condition No. 19.a, the addition of drive-thru retail be added as No. iii, as if a special use was not required, that they would be a permitted use, but the only place they would be allowed to do the drive-thru areas, would be along the perimeter of Craig Road and North 5th Street, adding they would not be appropriate within the lifestyle areas or the core of the project. He indicated they would be requesting some changes to Condition Nos. 33 through 35 and felt Public Works was agreeable to the changes and they would work on them before the application was heard by City Council. He explained they were required to do half street on their side and would like to improve on the condition by offering to build four lanes that were contemplated for the full ultimate build-out of North 5th Street, where three were required and on the west side of the street that was controlled by the Air Force Base and other public entities, to turn it into three lanes. On Condition Nos. 80 and 81, he stated they would work with the Police Department to comply with the Crime Prevention Through Environmental Design (CPTED) principles and asked that they be deleted or they would work with the Police Department on the wording before the application was heard by City Council. On Condition No. 82, he asked that the addition of the wording, "to a distance as identified through the Life Safety Study."

Commissioner Harry Shull asked Mr. Garcia to explain what he was requesting on Condition No. 19. Mr. Garcia explained on Condition No. 19.a, there were two roman numerals under it and 19.a provided for what was otherwise special uses to be permitted uses outright and he asked that No. iii be added to say: "any retail drive-thru along Craig Road or North 5th Street pads."

Commissioner Dean Leavitt asked Jeremy Davis how he felt about comments made by Mr. Garcia. Mr. Davis responded, as to the drive-thru facilities being allowed as a permitted use along the perimeter of the property, currently on the preliminary development plan, they show four convenience food drive-thru restaurants, which would be the only locations that would actually be subject to a use permit, as regular retail such as drug stores with a drive-thru for their pharmacy were not subject to a use permit. He further explained banks would be permitted uses with the development and it was not the drive-thru that made a use permit required, it was that they were a financial institution. From a staff level, it would be looked at as a mixed use project and Staff would be opposed to allowing it as an outright permitted use in any location on the project because it was supposed to be mixed use and was along the North 5th Street corridor. You would not normally see an auto related use in that area, so Staff would recommend that the applicant still be subject to a special use permit. Commissioner Leavitt asked Mr. Davis if he was comfortable with the other requested changes.

Jory Stewart, Planning & Zoning Director asked that Condition No. 82 be left for discussion along with the other two conditions from the Police Department as she thought maybe the applicant did not understand the intent and once that was clarified, the issue may be remedied before the application was heard by City Council. Mr. Garcia indicated they did not have an issue with the Public Works conditions but the Fire Department had requested a Life Safety Study and asked the Fire Department if they had an issue with them adding the distance for disclosure be based on the Life Safety Study. Mike Steele of the Fire Department indicated the requested change to Condition No. 82 was acceptable to the Fire Department. Ms. Stewart also indicated that was acceptable to Planning. Jennifer Doody of Public Works asked that their conditions remain as written and Staff would work with the applicant before the application was heard by City Council. Mr. Garcia agreed to work with Staff.

Vice-Chairman Dilip Trivedi asked if the reduction in parking increased the open space. Mr. Garcia did not know the exact calculation but they were in excess of what was required for open space and amenities. Vice-Chairman Trivedi asked if anything was being done to make the project a Green project. Mr. Garcia responded there were enormous cost savings in terms of construction and long-term operation and he would have a better answer when they came back with the design and development guidelines but was sure Green standards would be incorporated into the construction.

Commissioner Shull felt this would be a tremendous project for the community.

Commissioner Ned Thomas felt the project would be a great benefit to the community in terms of economic and community development and had reservations with regard to the location of the residential development and thought it was unusual to put residential units against a heavy industrial zone. He also felt the residential was located away from North 5th Street, which was not an ideal situation and the commercial development would lend itself to being called a transit oriented development but the residential portion of the development was not transit oriented and was in support of the project because of its benefits.

Robert Eastman, Principal Planner asked the Commissions' desire on how to address the requested change to Condition No. 19.a. Commissioner Shull responded he was not making a motion to approve the changes requested by the applicant.

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

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

2. **VN-15-07 (30578) BROOKS ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BOZIE BROOKS, PROPERTY OWNER, FOR A VARIANCE IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO ALLOW A TWELVE (12) FOOT REAR YARD BUILDING SETBACK WHERE FIFTEEN (15) FEET IS REQUIRED, AND TO ALLOW A THREE (3) FOOT SIDE YARD BUILDING SETBACK WHERE FIVE (5) FEET IS REQUIRED. THE PROPERTY IS LOCATED AT 2707 ENCINO CIRCLE. THE ASSESSOR'S PARCEL NUMBER IS 139-13-711-037. (CONTINUED JUNE 27, 2007)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant had already started construction on the improvements; however, was cited by the Building and Safety Division for construction without a permit for the improvements. Also, according to the Building Department, a safety inspection was done on the improvements and indicated they did not meet current Building Code; therefore, the property owner would have to tear the improvements down and start over. The property was almost 7,000 square feet in size and the improvements were approximately 16 feet by 69 feet and if the applicant were to reduce it to 13 feet by 69 feet, it would meet the building set-backs without the need for a variance; therefore, Staff did not see a hardship and was recommending denial of VN-15-07. Should the Commission determine 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 and the Single Family Design Guidelines including, but not limited to:
 - a. The existing wooden fence in the front yard shall be removed;
 - b. Each room shall be accessible from the main structure;
 - c. The exterior of the entire dwelling shall be stuccoed;
 - d. The structure located along the north property line shall be removed.
2. The patio cover setback along the southern property line shall be a minimum of three (3) feet from the post.
3. The rear yard setback shall be 12 feet 8 inches.
4. All structures shall comply with the 2006 International Residential Code, the 2006 Uniform Mechanical and Uniform Plumbing Codes, the 2005 National Electric Code and the 2006 International Energy Conservation Code.

Bozie Brooks, 2707 Encino Circle, North Las Vegas, NV 89030 explained there was a hardship as he was a single parent and had refinanced his home for the addition. The only safety issue was a rafter on the patio that was a four by six and was required to be a two

by eight and because he did not know he needed a permit and did not have the money to tear it down, he was requesting the variance.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi closed the Public Hearing.

Commissioner Jo Cato asked the applicant if the non-permitted carport he was cited for in 2000 was torn down and re-built. Mr. Brooks explained the carport was aluminum and was never taken down. Commissioner Cato explained to the applicant that the Commission was a land use body and could not take into consideration hardships; but, from time to time they reevaluate certain circumstances and she had concerns with the analysis if he was instructed to tear down a structure and it was rebuilt. Mr. Brooks explained he was never instructed to remove any structure from his property.

Commissioner Ned Thomas asked if there was an outstanding citation on the property. Mr. Jordan responded there was an outstanding citation on the property and if the variance were approved for the 13 foot rear yard set-back or the 12.8" rear yard set-back, the applicant, according to the Building Department, would still need to demolish the building because it did not meet Building Code and then it would have to be reconstructed, which was why Staff was recommending denial, because if the buildings were demolished, the applicant would be able to meet current set-backs. Commissioner Thomas wanted to be sure the applicant understood that whether the Commission approved or disapproved the variance, the structure was cited by the City. Mr. Brooks understood and was not aware that an inspection had been done other than the initial write-up.

Commissioner Harry Shull was not sure a variance was necessary, as the structures would have to be torn down and rebuilt and the applicant would be able to conform with the set-backs. Mr. Brooks explained they were also talking about the footer in comparison to the studs and the drywall. He stated he was not aware of the City making an inspection and indicating the building would not pass inspection and asked why he was sent to get a variance if he was going to have to tear the building down.

Commissioner Dean Leavitt explained to Mr. Brooks that it appeared there were two issues, and as indicated by Commissioner Cato, the Commission only dealt with land use, so when a building was built with or without a permit, and the structure was too close to the neighboring property lines, a variance must be requested. The Commission could grant the variance, but for the structure to be accepted by the City, he would have to rebuild it and if the structure had to be torn down, he would be able to conform to the building set-backs.

Commissioner Cato asked if it was the desire of the Commission to approve the variance, and there was no way the existing structure could be in conformance, if it would have to be torn down. Mr. Jordan explained if the variance was approved, that was all that was being approved and when it came to the Building Code requirements, that was not being considered and the applicant would have to go through the permit process and demonstrate compliance.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

AYES: Commissioners Leavitt, Shull, and Cato

NAYS: Vice-Chairman Trivedi and Commissioner Thomas

ABSTAIN: None

3. **ZN-105-07 (30532) QUALITY GARDENS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MANFRED AND CHERYL POLK, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A C-P PROFESSIONAL OFFICE COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT 4008 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-411-008. (CONTINUED JUNE 27, 2007)**

The application was presented by Marc Jordan, Planning Manager who explained the Comprehensive Plan for the area was employment and the proposed request was consistent with the Comprehensive Plan; therefore, Staff was recommending approval of ZN-105-07 and that it be forwarded to City Council for final consideration.

Jeff Wagner with Melvin Green Architect, 3305 West Spring Mountain Road Suite 92, Las Vegas, NV 89102 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Vice-Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Brett and Mary Jay, 4040 North Decatur Boulevard, North Las Vegas, NV 89084** stated they were in favor of the application.

Vice-Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

4. UN-63-07 (31170) LIVING HOPE BAPTIST CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHRIS HUDSON ON BEHALF OF GFI PROPERTIES LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 3105 COLEMAN STREET, SUITE D. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-037.

The application was presented by Marc Jordan, Planning Manager who explained the church was utilizing space within the existing Go For It USA Gymnastics within the industrial center and the applicant indicated they were using approximately 1,000 square feet within the existing facility and that their hours of operation did not conflict with the current use. The current use had approximately 50 parking spaces that were dedicated to that use and the applicant currently has a congregation that would only occupy approximately nine of the parking spaces. Staff was recommending approval of UN-63-07 with the deletion of Condition Nos. 2, 4 and 7 of the conditions listed in the Staff Report as those conditions would limit the growth of the church. The use was site specific and if the facility was outgrown and more parking was needed, the applicant would need to relocate. The original recommended conditions were as follows:

1. Unless expressly, authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable. The location shall be limited to Suite #D and shall not be greater than 1,000 square feet.
3. Approval of use permit UN-63-07 does not grant occupancy of building without compliance with all conditions of approval.
4. The maximum occupancy for this suite/use shall be 35 people.
5. The hours of operation shall be limited to the following:
 - a. Mondays thru Fridays: 5:30 pm - 9:30 pm
 - b. Saturdays: 6:30 pm - 9:30 pm
 - c. Sundays: 10:00 am - 9:00 pm
6. All activities shall take place within the building.
7. Any expansion to the size of the suite (1,000 square feet) or increase of the maximum occupancy (35 persons) shall require further review by the Planning Commission.

8. If the proposed building space has not been previously classified as an A-3 occupancy per the Building Code, the applicant must apply for a change of occupancy with the Building Safety Division for the City of North Las Vegas. (Any applications for a tenant improvement will simultaneously satisfy this condition.) The change of occupancy must be approved prior to occupancy.

Chris Hudson, Pastor, 3105 Coleman Street Suite D, North Las Vegas, NV 89032 stated he concurred with Staff recommendation and clarified regarding Condition No. 8 he spoke with someone in the Building Safety Department who verified the space was classified as an A-3 occupancy.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 2, 4 AND 7

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

5. **VN-17-07 (31168) GOYNES ROOM ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THERON & NAOMI GOYNES, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW AN EIGHT (8) FOOT REAR YARD BUILDING SETBACK WHERE A FIFTEEN (15) FOOT REAR YARD BUILDING SETBACK IS REQUIRED. THE PROPERTY IS LOCATED AT 704 VERONICA AVE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-111-042.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated a room addition of approximately 600 square feet was proposed for the site. The property was not irregularly shaped and Staff did not believe there was a hardship that would support a reduction in the set-backs; therefore, Staff was recommending denial of VN-17-07. Should the Commission determine 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 with the exception that
2. That this variance is site-specific and non-transferable; and
3. That development shall comply with Single Family Development and Design Guidelines, except,
 - a. That the rear yard setback be reduced from 15 feet to 8 feet.

Byron Goynes of BG & G Consulting, 8728 Talo Street, Las Vegas, NV 89131 appeared on behalf of the applicant indicating they concurred with Staff recommended conditions and explained an existing patio was being converted to an exercise room. He added they had spoken with the neighbors who were in favor of the application and was submitting signed petitions for the record.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi closed the Public Hearing.

Commissioner Dean Leavitt indicated he was in favor of the application and felt the City would be seeing more variance requests for additions to existing homes.

Commissioner Jo Cato indicated she was also in favor of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

6. UN-64-07 (31180) ARBY'S (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JERRY BARTMAN ON BEHALF OF PARK CENTRAL PLAZA 32 LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THROUGH. THE PROPERTY IS LOCATED APPROXIMATELY 585 FEET NORTH OF ANN ROAD AND EAST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-003.

The application was presented by Robert Eastman, Principal Planner who explained the site plan and building was in general compliance with the Commercial Design Standards and Staff felt the use was appropriate and would not have a negative impact on the neighborhood; therefore, Staff was recommending that UN-64-07 be approved subject to seven conditions, with Condition No. 5 amended to read: "The special use permit is limited to 2,800 square feet of building on Pad 3, as identified on the approved site plan. Any subsequent expansions and/or additions to the use shall warrant further Planning Commission consideration." He explained the additional increase did not make a significant impact and the application was still in compliance with the parking requirements for the site. The original recommended conditions were 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 including the Commercial Development Standards and Design guidelines.
2. This development shall comply with all applicable conditions of approval for SPR-50-05.
3. Colors of the structure shall coincide with the commercial center.
4. The special use permit is site-specific and non-transferable.
5. The special use permit is limited to 2,700 square feet of building on Pad 3, as identified on the approved site plan. Any subsequent expansions and/or additions to the use shall warrant further Planning Commission consideration.
6. The applicant shall submit a traffic study update for review and approval.
7. The developer shall provide a meter and backflow prevention for each building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.

Ted Rexing, Architect, 2216 Warm Walnut Drive, Las Vegas, NV 89134 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 5 AMENDED TO READ:

5. THE SPECIAL USE PERMIT IS LIMITED TO 2,800 SQUARE FEET OF BUILDING ON PAD 3, AS IDENTIFIED ON THE APPROVED SITE PLAN. ANY SUBSEQUENT EXPANSIONS AND/OR ADDITIONS TO THE USE SHALL WARRANT FURTHER PLANNING COMMISSION CONSIDERATION.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

Vice-Chairman Dilip Trivedi recognized Nelson Stone, previous Commissioner.

Item No. 10 was heard next.

7. **UN-65-07 (31182) SELF-SERVICE AND AUTOMATIC AUTOMOBILE WASHING ESTABLISHMENT AT LONE MT AND SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RENU AND SHAWN TANEJA ON BEHALF OF CELEBRATE PROPERTIES LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A SELF-SERVE AUTOMOBILE WASHING ESTABLISHMENT AND A DRIVE-THROUGH AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-013.**

It was requested by the applicant to continue UN-65-07 to July 25, 2007.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi indicated the Public Hearing would remain open.

Commissioner Harry Shull explained he would be abstaining as his Company was involved in the application.

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Cato, and Thomas

NAYS: None

ABSTAIN: Commissioner Shull

8. **UN-66-07 (31184) C-STORE AT LONE MT AND SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RENU AND SHAWN TANEJA ON BEHALF OF CELEBRATE PROPERTIES LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-013.**

It was requested by the applicant to continue UN-66-07 to July 25, 2007.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi indicated the Public Hearing would remain open.

Commissioner Harry Shull explained he would be abstaining as his Company was involved in the application.

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Cato, and Thomas

NAYS: None

ABSTAIN: Commissioner Shull

9. **UN-67-07 (31185) AUTOMOBILE SERVICE FACILITY AT LONE MT AND SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RENU AND SHAWN TANEJA ON BEHALF OF CELEBRATE PROPERTIES LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-013.**

It was requested by the applicant to continue UN-67-07 to July 25, 2007.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi indicated the Public Hearing would remain open.

Commissioner Harry Shull explained he would be abstaining as his Company was involved in the application.

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Cato, and Thomas

NAYS: None

ABSTAIN: Commissioner Shull

Item No. 17 was heard next.

10. **UN-68-07 (31191) LITTLE DUMPLING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LITTLE DUMPLING LLC ON BEHALF OF DECATUR & CENTENNIAL LLC PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES (BEER/WINE) IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 6572 NORTH DECATUR BOULEVARD #120. THE ASSESSOR'S PARCEL NUMBER IS 124-19-410-004.**

The application was presented by Marc Jordan, Planning Manager who explained there would be seating for approximately 60 people, which exceeded the minimum seating requirements in Title 5. Staff was recommending approval of UN-68-07 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.

??, 4811 West Desert Inn Road, Las Vegas, NV 89102 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

11. UN-69-07 (31183) ELDERLY DAYCARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAMES SHADLAUS, PROPERTY OWNER, FOR A USE PERMIT IN A C-P PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW AN ADULT DAYCARE FACILITY. THE PROPERTY IS LOCATED AT 4308 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-310-006.

The application was presented by Marc Jordan, Planning Manager who explained the facility was approximately 4800 square feet and the applicant indicated there would be a maximum of 60 people at the facility and they also exceeded the parking requirements and had approximately 15 parking spaces. Staff noted there was a refuge collection area located near Decatur Boulevard and would like it relocated so it was not visible from the street and the property on the east, and would like at least 20 feet of landscaping as a buffer between the commercial and residential use to the east of the development. Staff was recommending approval of UN-69-07 with the addition of five conditions in addition to those listed in the Staff Report as follows:

1. The facility is prohibited from providing any overnight accommodations. The hours of operations are limited to 6:00 a.m. to 6:00 p.m.
2. The facility is prohibited from providing any services to individuals under the age of 18.
3. The facility shall provide supervision during all hours of operations.
4. The facility shall comply with all Federal, State and local regulations.
5. The operator of the facility shall obtain a North Las Vegas business license.

Mr. Jordan explained the reason for the added conditions was to ensure that the facility remained as an elderly day care and that the use did not change in any way.

The original conditions listed in the Staff report are as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Submit a detailed color scheme for the proposed buildings that are consistent with the colors in Las Vegas Valley and its surroundings at the time of building permits.

4. Relocate the trash enclosure to an approved location by the Planning & Zoning Department.
5. Submit a detailed landscape plan showing
 - i. The location, size and type of plants.
 - ii. Also indicate a 20 foot landscape buffer along the east property line. The landscape buffer area shall include 24-inch box trees measured above 4½ feet above the root ball at a maximum spacing of 20 feet from the center.
 - iii. The peripheral landscaping area shall have a minimum ground coverage of 60 percent, which shall be achieved within two years.
6. The applicant shall submit a traffic study update for review and approval.
7. The existing driveway shall be removed and replaced with a commercial driveway 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. Conformance will require modifications to the current site plan.
8. Septic tank is not allowed unless otherwise approved by the Director of Utilities.

Nicole Jensen of Scripps Resources International, Inc., 3275 South Jones Suite 106, Las Vegas, NV 89146 appeared on behalf of the applicant stating she concurred with Staff recommendation.

Vice-Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

Marilyn Kirkpatrick, 4747 Showdown Drive, North Las Vegas, NV 89031 indicated she had concerns with the day care facility. She was concerned the facility may change to a different type of facility. There currently was not an ordinance in North Las Vegas that addressed her concerns. Item No. 18 on the agenda was a start in that direction and she believed the approval was premature. Once this type of facility was opened, they could not be closed due to the Fair Housing Act. There was legislation that took effect October 1, 2007 that would address and put safeguards in place for people who live near the facility and the people who live at that facility and the surrounding area. She had questions for the applicant regarding supervision during operating hours. She researched the business who was representing the day care facility and noticed six of their licenses were hung at the same suite and was concerned the use would change. She asked what type of transportation would be used by the people being cared for and if the application was

approved and the use changed in the future, if the day care center next door would be impacted and if the 1500 feet would apply and if the 1000 feet applied to whomever was using the facility. She asked the capacity of the people being cared for at the facility, how many staff members would be at the facility, and what type of State licensing would be required.

Ms. Jensen explained there were numerous licenses at the applicant's business location as he had a 6,000 square foot office and sublet space. The facility would be open from 6:00 a.m. to 6:00 p.m. and no drugs would be administered and was strictly for elderly day care, similar to a day care for children. Federal guidelines governed the number of employees per number of adults being cared for.

Deputy City Attorney Nick Vaskov commented the use would be specific to an adult day care facility, so that if the use of the facility were to change, a new use permit would have to be applied for, for whatever type of facility would be operated. Ms. Jensen added the State's was non-transferrable and resided with the property.

Vice-Chairman Trivedi asked if the license could be conditioned so it could not be changed in the future. Deputy City Attorney Vaskov explained the use permit was specific to an adult day care facility, so the only things it authorized was the operation of an adult day care facility.

Commissioner Jo Cato asked the applicant who would license the facility. Ms. Jensen responded it would be licensed by the State and Federal and must comply with guidelines from both. The Federal requirements must be met before the facility could be opened.

Ms. Kirkpatrick asked that the waiver for the sewer not be granted. She was concerned the use may change and an adult was considered anyone over the age of 18 in the State of Nevada, so if the facility should decide they could not get enough elderly people to care for, they could take in a different type of person to care for.

Jory Stewart, Planning and Zoning Director explained there were specific ordinances with regard to the treatment and living arrangements for released offenders, specifically registered sex offenders, that would not be permitted in this particular use. The specifics in the code require a use permit that would delineate transitional living facilities for released offenders. The Police Department would be notified of any registered sex offenders and there were stipulations on where those facilities could be located. They must receive a specific use permit for that purpose. If the proposed facility were to take a released offender, Staff would enforce against them.

Vice-Chairman Trivedi asked if an age restriction of 55 or older could be added to the conditions. Ms. Jensen indicated she would accept that condition, as Medicare and Medicaid were happy they were providing the service and the adult day care was needed. She indicated they did not intend to have individuals who were released offenders, they were strictly providing adult day care.

Commissioner Ned Thomas noticed there was a condition that addressed the septic system and agreed that a septic tank should not be allowed. He asked how intense the care would be and if there were internal rules that they would not accept someone for day care that had Alzheimer's that may be an escape risk. Ms. Jensen explained the Federal guideline was that they could only help, they could not administer any type of drugs or have anybody who was unstable. She also indicated they had approval from Clark County for the septic system as sewer was more than 500 feet from the site and the City was aware of it.

Ms. Stewart clarified for the record that the tai quando studio was permitted on a septic system.

Commissioner Harry Shull asked if there was a way elderly could be defined as over 55, so that they would not end up with younger people who need supervision during the day.

Mr. Jordan recommended that the second condition read into the record be amended to change the age of 18 to 55, so it would read: "The facility is prohibited from providing any services to individuals under the age of 55." Ms. Jensen indicated she was agreeable to the amendment.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF THE FOLLOWING 5 CONDITIONS

9. THE FACILITY IS PROHIBITED FROM PROVIDING ANY OVERNIGHT ACCOMMODATIONS. THE HOURS OF OPERATIONS ARE LIMITED TO 6:00 A.M. TO 6:00 P.M.
10. THE FACILITY IS PROHIBITED FROM PROVIDING ANY SERVICES TO INDIVIDUALS UNDER THE AGE OF 55.
11. THE FACILITY SHALL PROVIDE SUPERVISION DURING ALL HOURS OF OPERATION.
12. THE FACILITY SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS.

13. THE OPERATOR OF THE FACILITY SHALL OBTAIN A NORTH LAS VEGAS BUSINESS LICENSE.

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

12. VN-18-07 (31188) ROBIN P. AND JUDY J. BROWN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROBIN P. AND JUDY J. BROWN, PROPERTY OWNERS, FOR A VARIANCE IN AN R-E RANCH ESTATES DISTRICT TO ALLOW A TWO (2) FOOT, THREE (3) INCH SIDE YARD SETBACK WHERE A THREE (3) FOOT SIDE YARD SETBACK IS THE MINIMUM REQUIRED FOR A DETACHED GARAGE. THE PROPERTY IS LOCATED AT 4628 PACER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-06-114-033.

The application was presented by Marc Jordan, Planning Manager who explained a building permit had been pulled; however, because the applicant had not demonstrated any hardship, and the property was not irregularly shaped, Staff was not able to support the reduction in set-backs and was recommending that VN-18-07 be denied. Should the Commission determine approval was warranted, the following condition was recommended:

1. The subject property shall comply with all other regulations of R-E, Ranch Estates District and single family design standards, except for the side yard setback of 3 feet.

Robin and Judy Brown, 4628 Pacer Avenue, North Las Vegas, NV 89031 appeared with Mr. Brown explaining the purpose of the variance was to be able to pull an electrical permit so they could finish their project. According to the inspection card, a note was written approving the pouring of the concrete if the forms were moved and the next day the concrete was poured without the forms being moved. Ms. Brown indicated they had hired a licensed contractor and explained the neighbors did not have a problem with the variance. Mr. Brown indicated the homeowners association approved the addition, but if they were to cut the eave that was in the encroachment, they would be out of compliance with the CC&R's.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

13. **T-1303 (31153) CRAIG COMMERCE CENTER II. AN APPLICATION SUBMITTED BY LOCHSA ENGINEERING ON BEHALF OF FRED KAVLI, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2 GENERAL INDUSTRIAL DISTRICT AND A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF PECOS ROAD AND CORPORATE CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval 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-17-06.
3. 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.
4. 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.
5. 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

Michelle Gapen, 6345 South Jones Suite 100, Las Vegas, NV 89118 appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

14. **T-1304 (31163) ENGLESTAD INDUSTRIAL. AN APPLICATION SUBMITTED BY WALKER ENGINEERING LLC ON BEHALF OF BB AND J LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A ONE LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED EAST OF ENGLESTAD STREET AND APPROXIMATELY 180 FEET SOUTH OF COLTON AVENUE. THE ASSESSOR'S PARCEL NUMBER'S ARE 139-10-410-003, 139-10-410-004, 139-10-410-019, 139-10-410-020 AND 139-10-410-021.**

The application was presented by Bob Hoyes, Planner who explained that, although the site plan for the proposed tentative map and site plan indicated Englestad as a 55 foot right-of-way, the Master Plan of Streets and Highways identified the street as a 60 foot right-of-way; however, in lieu of the recommendation for continuance, Staff no longer considered it a substantial change or modification was required; therefore, Staff was recommending approval with Condition No. 12 amended to read: "A merger and resubdivision final map must be filed to create the proposed parcel." The original conditions shown in the Staff Report were as follows:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Industrial Development Standards and Design Guidelines.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
5. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.
6. Flow rates may not be increased over existing condition quantities for any perimeter streets flowing toward Cheyenne Avenue.
7. 30-foot ½ street on Englestad Street must be dedicated and constructed along full frontage of parcels.
8. Paved access on Monrovia Street must be provided to Cheyenne Avenue.

9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. All off-site improvements must be completed prior to final inspection of the first building.
12. A merger and resubdivision parcel map must be filed to create the proposed parcel.
13. 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. 5' on Englestad Street
 - b. Monrovia
14. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
15. 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.
16. 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.
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. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
19. Approval of a traffic study is required prior to submittal of the civil improvement plans.
20. A 32' paved access road is required to be constructed on Monrovia Street to Cheyenne Avenue.

Treasea Wolf of Walker Engineering, LLC, 5765 South Rainbow Boulevard, Suite 101, Las Vegas, NV 89118 appeared on behalf of the applicant and clarified that, on the tentative map, there was a graphical error and the cross section for Englestad showed a 60 foot right-of-way and the dimension showed a proposed 60 foot right-of-way; however, the property line was shown at 55 feet and the intent was to make it a 60 foot right-of-way. Ms. Wolf indicated she concurred with all of Staff recommended conditions except for Condition Nos. 8 and 20. She indicated that she spoke with Tracy Ratton in Public Works, who explained that Public Works wanted paved access to Cheyenne Avenue due to their feeling that Cheyenne would better handle the truck traffic, so their traffic engineer reviewed it, and spoke with Clete Kus in Public Works, who indicated that truck traffic was not the issue noticed by the Traffic Department. Mr. Kus indicated their issue was that since the applicant showed a proposed driveway on Monrovia with only a half street improvement with the road ending on the north side of the south side, they were concerned that a secondary outlet was necessary. The engineer spoke with the applicant and the applicant was willing to pave up to Colton Avenue, which was 100 feet north of the project property. Ms. Wolf explained that Englestad currently was paved to Cheyenne Avenue, so there was access to Cheyenne from Englestad, which was one access point for the project and the other access point was on Monrovia and the applicant had no problem providing access up to Colton Avenue.

Eric Hawkins of Public Works indicated Traffic was agreeable to the applicant connecting to Colton Avenue instead of Cheyenne Avenue.

Commissioner Ned Thomas asked if Condition Nos. 8 and 20 could be combined and suggested Condition No. 20 be deleted and Condition No. 8 be amended to read: "A 32' paved access road shall be constructed on Monrovia Street to Colton Avenue.

Jennifer Doody of Public Works agreed with the suggested amendment, and that Condition No. 8 be deleted and Condition No. 20 be amended.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 8 AND CONDITION NOS. 12 AND 20 AMENDED TO READ:

12. A MERGER AND RESUBDIVISION FINAL MAP MUST BE FILED TO CREATE THE PROPOSED PARCEL.
20. A 32' PAVED ACCESS ROAD IS REQUIRED TO BE CONSTRUCTED ON MONROVIA STREET TO COLTON AVENUE.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt
AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas
NAYS: None
ABSTAIN: None

15. **SPR-06-06 (31194) THE GROVE. AN APPLICATION SUBMITTED BY KAMROS HOLDINGS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT FOR AN AMENDMENT OF CONDITION #3 REQUIRING A THREE (3) FOOT HIGH BERM OR DECORATIVE WALL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND KINGS HILL ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-311-016.**

The application was presented by Bob Hoyes, Planner who explained the site was significantly developed and during the course of construction, there were some site changes made that were not identified initially on the site plan that was approved and subsequently, the parking lot facing Craig Road, a small portion near Kings Hill was now higher than the screen wall that was constructed to obscure headlights from shining onto Craig Road. The applicant requested that the condition be deleted, but Staff felt a suitable alternative may be landscaping as opposed to either providing a new wall or raising the existing wall; therefore, Staff was recommending approval to amend the previously approved Condition No. 3.d to read: "providing a 3-foot-high (as measured from the abutting on-site parking stall or drive aisle) berm or decorative wall to prevent headlights from shining onto adjacent streets and/or sidewalks."

Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant explaining the site was almost fully developed, with the plans being approved approximately one year ago. She explained Condition No. 3.d was agreed to at the time the site plan was approved, but after construction was started and some changes were made, it came to the attention of the developer that the wall, which was almost completely constructed, turned into a visual impediment to the site and would impact the viability and commerce provided on the site. She asked that Condition No. 3.d be waived, as there were a number of developments along Craig Road that did not have that requirement. The initial intent was to meet the Design Guidelines as required by Code, but due to the unique circumstances of the grade level of the site, they were asking that the condition be waived. The concern with the recommendation made by Staff, was the mention of a landscape hedge, as it would have the same effect as the 3 foot wall.

Commissioner Harry Shull was opposed to waiving the condition and did not feel three feet would impair the ability to see the center from the street and felt a hedge would be better than a wall and indicated he would like the Design Guidelines adhered to.

Commissioner Jo Cato asked Staff if there was a wall adjacent to Big Lots at Craig Promenade. Marc Jordan, Planning Manager was not sure what was in place at that location and explained the developments pointed out by Ms. Allen were developed long before the Commercial Design Standards were put in place.

Commissioner Dean Leavitt was not in favor of the requested waiver and also preferred a hedge.

Ms. Allen indicated if the Commission was not inclined to approved the waiver, she had some suggestions on rewording the condition and suggested lowering the height of the wall to 1 ½ feet instead of 3 feet, as the site was already elevated, or to use landscaping to block the headlights instead of a hedge.

Commissioner Ned Thomas agreed with Commissioner Shull, that the wall did not block the view of the site, but noticed the wall was a little high and would not be opposed to reducing the height and felt the landscaping might be a reasonable alternative.

Ms. Allen agreed and asked that the height be reduced and indicated they would be amenable to possibly a 1 ½ foot high wall and then change the word "hedge" to "plan," so they had some flexibility.

Robert Eastman, Principal Planner explained the wall was a retaining wall and since the building was adjacent to the right-of-way, without intervening parking, a three foot berm, wall or hedge would not be required in that area. The wall was required along the portion where the parking lot was adjacent to the right-of-way and was used to help block the headlights of the cars in the parking lot, so it would not apply to the portion where the building was located.

Ms. Allen explained the three foot wall to block the headlights, turned into a six foot wall on the Craig Road side at the western most point.

Vice-Chairman Dilip Trivedi disagreed with comments made by other Commissioners, stating that Craig Road was 120' wide with commercial development adjacent to the proposed site, so he did not see the need to block the headlights and would prefer to see landscaping instead of the block wall.

Commissioner Jo Cato left Chambers at 8:14 p.m.

Jory Stewart, Planning & Zoning Director explained the wall would have stone veneer on it and landscaping in front and behind it and would look nice. The purpose of the buffering wall or landscape hedge was because the adjacent right-of-way could be distracting if someone's headlights were pointed out to the adjacent right-of-way; but, it was unsightly going by a nice commercial center and seeing only a sea of automobiles. She explained the idea was to provide extra safety and it was an aesthetic issue to create a prettier scape as you were looking into the commercial center and felt the issue could be remedied by working with the applicant on some alternatives. The purpose of the condition was so there was a number of ways to landscape a parking lot or the street from the parking lot with berming, decorative walls, or landscaping and Staff would work with the applicant.

Commissioner Cato returned to Chambers at 8:16 p.m.

Commissioner Shull stated the berm wall eliminated looking at a sea of asphalt.

Ms. Allen indicated they were willing to work with Staff on an alternative and not have a specific height and allow them to have a landscape plan instead of a hedge.

Ms. Stewart was not sure of the applicant's intent to remove the wall, if it was to allow the center to be seen or not obstructed and explained there were many successful centers that were designed with perimeter buildings that were pushed toward the street where you could not see into the parking lot. She suggested continuing the application to allow the applicant to meet with Staff and clearly spell out the intent of the request.

Ms. Allen agreed to continue the application for two weeks and meet with Staff.

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

There was a break in proceedings at 8:22 p.m.

Commissioner Jo Cato left at 8:39 p.m.

The meeting reconvened at 8:40 p.m.

16. **SPR-34-07 (31169) PICERNE ROME AND VALLEY. AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT FOR A WAIVER REQUIRING CARPORTS AND ACCESSORY BUILDINGS, WHICH ARE VISIBLE FROM PUBLIC STREETS, TO BE CONSISTENT WITH THE DESIGN THEME AND SIMILAR MATERIALS TO THOSE USED ON THE MAIN STRUCTURE. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ROME BOULEVARD AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-19-401-014.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending that SPR-34-07 be denied.

Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant asking for a two week continuance.

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, and Thomas

NAYS: None

ABSTAIN: None

Item No. 18 was heard next.

OLD BUSINESS

17. **SNC-01-07 (30577) NORTH LAS VEGAS 600 ACRES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUMMERSET DEVELOPMENT ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, TO ALLOW A STREET NAME CHANGE TO RENAME A PORTION OF ELKHORN/FARM ROAD TO PARK HIGHLANDS BOULEVARD. THE STREET NAME CHANGE COMMENCES AT THE INTERSECTION OF DECATUR BOULEVARD AND ELKHORN ROAD AND PROCEEDS EAST ALONG THE ALIGNMENT OF ELKHORN ROAD TO CLAYTON STREET THEN CONTINUES EAST FROM CLAYTON STREET ALONG THE FARM ROAD ALIGNMENT TO INTERSTATE 15. (CONTINUED JUNE 27, 2007)**

It was requested by the applicant to continue SNC-01-07 to August 8, 2007.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2007

MOTION: Commissioner Cato

SECOND: Commissioner Shull

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 19 was heard next.

18. ZOA-02-07 (28967) TITLE 17 AMENDMENT (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 12.020 TO AMEND THE DEFINITION OF "GROUP CARE FACILITY" AND "TRANSITIONAL HOUSING" AND AMEND SECTION 24.030 TO ADD CONDITIONS FOR GROUP CARE FACILITIES; AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED MARCH 14, AND APRIL 11, 2007)

The application was presented by Robert Eastman, Principal Planner who explained, with the proposed ordinance, the City would adopt a conditional use which allowed administrative review for particular uses that would be listed in the ordinance. Those, with the review, compatibility with the neighboring properties and adherence to the conditions listed for individual conditional uses would be required and If the application did not meet those conditions, it would be administratively denied. If an applicant requested waivers from any of the conditions listed in the conditional use, it would require a special use permit and would require review and approval by the Commission. With the amendment, Group Care Facilities were listed and created and Halfway Houses for recovering alcohol and drug abusers would be conditional uses within the City of North Las Vegas and would be allowed as a conditional use in the residential districts, for the most part. Also, the conditions for the two uses would be added and amend the conditions for special uses for Transitional Housing, Transitional Housing for released offenders was a Special Use, and Transitional Housing would be removed from the R-E Ranch Estates Limited District, R-CL Single-Family Compact Lot Residential District and C-1 Neighborhood Commercial and C-2 General Commercial Districts and allow them as special uses within the R-3 Multifamily Residential, R-4 High Density Residential Districts and R-A/R-2 Medium High Density Residential Subdistrict. A number of conditions would be added for the special use that the applicant would need to comply with and show compliance with. The most notable requirements for the uses were typically a separation requirement, a minimum lot size requirement, and minimum indoor living space requirement. What was currently shown in the amendment, as currently written, there should be one change to the conditional uses portion prior to going to City Council, an addition to require conditional uses to be reviewed with the building permit or business license, which requires that the applicant, coming forward for the conditional use, was actually serious and construction was eminent with the building permit or was eminent to open with the approval of the business license; therefore, hoping to curb any potential for a property owner or developer to come in and acquire a number of conditional uses around town and try to lock in facilities that would not exist and would limit the uses to specific places where the conditional use was being applied. There were also parking standards which mirrored what was previously adopted with the transitional housing, which was one parking space for every three residents plus one space for every employee. Staff was recommending approval of ZOA-02-07 and that it be forwarded to City Council for final consideration.

Vice-Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Marilyn Kirkpatrick, 4747 Showdown Drive, North Las Vegas, NV 89031** felt the proposed amendment to Title 17 was a good start; however, it would have to be redone as there were four new laws. There were some concerns that needed to be addressed as far as non-profit, profit, registering, business licensing issues and there were residents who live next door to this type of facility. The new laws take place October 1, 2007 and she felt a moratorium would be better.
- **Billie Jean Brown, 1933 Camino Carlos Ray, North Las Vegas, NV 89031** was in favor of the amendment to Title 17 but was concerned that the conditional uses may be approved administratively and felt any conditional uses should be brought before the Commission for approval.
- **DL Chapman, 4640 Roby Grey Way, North Las Vegas, NV 89081** was in favor of the amendment to Title 17 and had some suggestions and would like to submit a list. One of the issues he would like to see addressed was having some form of residential management on site to supervise the residents.
- **Tom Pennington, 1929 Camino Mirada, North Las Vegas, NV 89031** was in favor of the amendment to Title 17 but felt it was a little premature and felt there should have been citizen input and involvement and a moratorium be placed. He wanted to see a committee formed which involved Staff, Commissioners, and citizens who would be affected.

Vice-Chairman Dilip Trivedi asked why the amendment could not be held until October.

Nick Vaskov, Deputy City Attorney explained the City viewed the amendment as a first step and there was currently no restrictions on group homes and recovery facilities under the Code, so they were permitted everywhere in residential areas. There was a bit of a balancing act because the City was subject to the requirements of the fair Federal Housing Act and the protections that Act affords to individuals who might reside in those facilities.

Commissioner Dean Leavitt felt the amendment was a step in the right direction and had some concerns regarding the distance separation with the transitional housing and felt it should be a minimum of 2500 feet and thought that, given recent incidences, the age specific communities should be included in the distance separation, as there had been a lot of seniors who had fallen victim to crimes in various situations.

Vice-Chairman Dilip Trivedi thought it should be a permitted use in an industrial zone with a 75 foot distance requirement from other industrial uses.

Jory Stewart, Director of Planning & Zoning wanted to be sure when a protected class of people were being discussed, there was a tendency to lump them together when it came to group homes and the main concern was transitional living facilities for released offenders, which was not what was being discussed with the group home interim ordinance. The ordinance was for group homes with recovering alcoholics, treatment of alcohol and drug abuse, medical detox, treatment with narcotics, all of which are categorized under the Fair Housing Act and are people considered to have disabilities and were protected. She explained where released offenders were concerned, especially sex offenders, fell under another body of regulation and there was an ordinance in place that strictly regulated transitionally living facilities for those type offenders. As a government, the City had to be objective and represent Federal laws that they were required to abide by and provide opportunity for housing for a protected class and the proposed ordinance was the first attempt and suggested the Commission go forward with it, to at least get some provisions in place; as, at this time, anybody can operate a group facility if they meet State law and the City had no control.

Commissioner Ned Thomas agreed with comments made regarding the proposed ordinance being a good first step and felt it attempted to address the land use. He asked Staff to address the administrative process to approve transitional housing.

Mr. Eastman explained under the proposed ordinance, if the application was for a group care facility or half-way house, it was classified as a conditional use, the applicant would come forward with their site plan and be able to provide distance separations in a similar manner to how taverns were measured and the site plan would need to show they were in compliance with the lot size requirement, and the home would have to show they have the property indoor living area, both from the number of bedrooms and the size of the rooms as it determined the number of residents that would be allowed. Also, there was a smaller indoor common area that would be thought of as the dining room/living room areas, which would help determine the maximum number of residents. After submittal, Staff would determine if all conditions had been met. An application for transitional housing would be similar; however, it would be written as part of the special use permit for the Commission's review and approval, as those types of facilities were not for a protected class of people,

Nick Vaskov, Deputy City Attorney added it would be, essentially, the Director who would issue the conditional use permit and explained the reason the distinction was important for group homes was that the Fair Housing Act said that proximity requirements were generally okay provided the local government did not have a vast amount of discretion to deny the application. If the discretion was limited merely to fact check or a ministerial act of checking to make sure the requirements were met, that was assumed under Federal law to be a non-discriminatory reason for the differential treatment of the group home. If, however, the local government would have broad discretion, which was the type of discretion the Commission and the City Council had with a use permit, the law in effect presumed that the differential treatment was based on a discriminatory reason.

Commissioner Thomas questioned, with the minimum lot size being required to be 6,500 square feet, if it forced the group homes to be in an R-1 District.

Mr. Eastman responded it would keep them out of a condominium or in a small lot single-family home; however, it did not preclude them from constructing a facility that was in an R-2, R-3, or R-4 District as long as they met the lot size requirement.

Marilyn Kirkpatrick thought it would be detrimental not to go forward with the proposed ordinance because there were currently four laws on the books and there would be a stream of people trying to get group homes and other facilities in place. She explained at this time a person could get a business license and move forward. Some of the precautions that were changed on the State law, the State would assume the liability of being sued by violating the Fair Housing Act and explained the laws that were passed and gave some of the history.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, and Thomas

NAYS: None

ABSTAIN: None

Item No. 20 was heard next.

19. **VAC-11-07 (29967) VACATION OF NELLIS BLVD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAMES B. ALDERMAN ON BEHALF OF BMC REALTY INC., PROPERTY OWNER, TO VACATE THE EASTERLY PORTION OF NELLIS BOULEVARD COMMENCING AT THE SOUTHEAST CORNER OF RANGE ROAD AND NELLIS BOULEVARD AND PROCEEDING SOUTH 780 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-201-001, 123-28-201-002, AND 123-28-101-008. (CONTINUED MAY 23 AND JUNE 13, 2007)**

It was requested by the applicant to continue VAC-11-07 to August 8, 2007.

Vice-Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Vice-Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

Election of Planning Commission Officers was heard next.

20. **ZN-34-97 (30587) TROPICAL AND LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PGAL LLC ON BEHALF OF TROPICAL AND LOSEE LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD PLANNED UNIT DEVELOPMENT FOR A HOSPITAL, MEDICAL OFFICE BUILDINGS, SENIOR APARTMENTS AND RELATED USES. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-605-002, 124-26-605-004, 124-26-605-006 AND 124-26-605-007. (CONTINUED JUNE 27, 2007)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant submitted a revised site plan, which showed an additional driveway location along Tropical Parkway entering on the south and entering northward toward the proposed medical office building and with that change and the bridges that were located across the channel within the site, the proposed amendment to the PUD was now in substantial compliance with what was previously approved; therefore, Staff was recommending approval of ZN-34-97 subject to the following conditions:

1. That approval of the site plan submitted is not intended, nor implied. The development shall conform to the approved uses and to the site plan in concept only.
2. That the development of this site be subject to all adopted Codes and Ordinances in effect at such time that development plans are submitted.
3. That the Final Development Plan for the site shall be subject to Planning Commission review.
4. That commercial uses shall be prohibited within the professional medical office.
5. Elevations for the garage and medical offices must be submitted for Commission review and approval with the hospital final development plan.
6. The setback of buildings from the northern property line must be equal to the height of the buildings.
7. The development shall comply with the Commercial Development Standards and Design Guidelines including but not limited to the following;
 - a. A minimum six (6) foot landscape island shall be provided at the end of every parking row and within each parking row for every 15 parking spaces.

- b. A minimum 10 foot landscape buffer shall be provided between the parking stalls along each side of the drainage channel.
 - c. A view fence shall be provided on both each sides of the drainage channel.
 - d. Bollards and/or Large planters shall be placed at the main entrances of the buildings along Tropical Parkway, Losee Road, and Lawrence Street.
8. The senior housing open space must be completed prior to occupancy.
9. The parking garage must not have openings on the north side.
10. The air conditioning units on the hotel must be roof mounted.
11. Any future heliport must be reviewed by the Planning Commission as a special use permit.
12. That landscaping shall be provided in accordance with ordinance requirements.
13. A ten-foot landscaped setback must be provided adjacent to the east side of the hospital building.
14. The following right of way must be dedicated:
 - a. Forty feet (40.00') for Tropical Parkway, fifty feet (50.00') for Losee Road, and thirty feet (30.00') for Lawrence Street.
 - b. Bus turn out on Tropical Parkway west of Losee Road.
 - c. Flared intersection at Losee Road and Tropical Parkway per Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 201.1.
 - d. Drainage easement for the Las Vegas Wash Channel, width to be determined by an approved drainage study
 - e. Drainage easement for the Tropical Parkway Channel East, width to be determined by an approved drainage study.
15. That the driveway location and parking plan shall be subject to review and approval by the North Las Vegas Traffic Engineer.
16. The development shall comply with all applicable requirements of Title 16 and N.R.S. 278.
17. Approval of the final development plan will require the following modifications to the site layout:

- a. Revisions to the driveway number and locations to conform to North Las Vegas Municipal Code 17.24.130 and the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 225.
 - b. Revise and relocate median openings as required by the North Las Vegas Traffic Engineer.
 - c. Delineate the flared intersection and bus turn out at Losee Road and Tropical Parkway.
 - d. Delineate the drainage easements for the Las Vegas Wash Channel and the Tropical Parkway Channel East.
 - e. Relocation of any building within the Nevada Power Transmission line easement
 - f. Removal of any parking from the Tropical Parkway right of way.
18. That technical design comments will be made at the time development plans are submitted.
 19. Approval of a drainage study is required prior to submittal of the civil improvement plans.
 20. The intersection of Losee and Azure is required to be constructed so that vehicles traveling west on Azure towards Losee will be able to turn right to merge on Losee heading north and left to merge on Losee heading south. The intersection must be signalized and equipped with an Opticom system to facilitate emergency response vehicles in turning left from Azure heading west to Losee heading south.
 21. 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.
 22. 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.
 23. All offsite improvements must be designed and constructed with the first phase of development.
 24. The applicant shall submit a traffic study update for review and approval.
 25. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.

26. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
27. 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.
28. 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.
29. That a water network analysis must be provided prior to development.
30. The developer is required to oversize the existing eight (8) inch sanitary sewer main to 36 inch from manhole to manhole along front footage of Losee Road. The work needs to be completed prior to the completion of Losee Road Improvement Project.
31. That approval of this application does not imply a commitment by the City for utility service to the subject property. A utility commitment will only be issued upon compliance with the requirements and conditions set forth in the Utility Service Commitment Policy Guidelines available from the Department of Public Works.
32. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
33. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Jeff Gerber of PGAL, 5850 South Polaris Avenue Suite 1400, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Vice-Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081** was concerned that the height of the medical office building did not increase and requested that a limit be put on the height of the parking garage and was also concerned about the height of the senior apartment complex. Lawrence Street was a 60 foot right-of-way with residential front doors on it in some sections and was concerned with the driveway being on Lawrence Street. He asked that, in addition to the off-site improvements on Phase I, that some rough grading be done to remove some of the debris in the area. He suggested a public hearing be held for the design review so the residents could have some in-put.

Vice-Chairman Trivedi closed the Public Hearing.

Mr. Gerber clarified that the site without the parking structure complied with the City's parking ordinance. The hospital believed that if the hospital was successful, additional parking would be necessary and wanted to reserve a place holder for that on the site plan.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL
CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, and Thomas

NAYS: None

ABSTAIN: None

Item No. 22 was heard next.

21. **UN-62-07 (30594) LOS VERDES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AFTON PACIFIC LLC ON BEHALF OF WALTCO LAS VEGAS, LLC AND AP-NLVI, LLC, PROPERTY OWNERS, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THROUGH. THE PROPERTY IS LOCATED AT 2665 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-302-004. (CONTINUED JUNE 27, 2007)**

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, and Thomas

NAYS: None

ABSTAIN: None

Item No. 23 was heard next.

22. SPR-33-07 (30593) LOS VERDES. AN APPLICATION SUBMITTED BY AFTON PACIFIC LLC ON BEHALF OF WALTCO LAS VEGAS, LLC, AP-NLVI, LLC, AND NORTH LAS VEGAS LEGACY LLC, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT TO REDEVELOP K-MART PROPERTY WITH ADDITIONAL RETAIL SHOPS AND CONVENIENCE FOOD RESTAURANTS. THE PROPERTY IS LOCATED AT 2665 - 2671 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-302-002 AND 139-13-302-004. (CONTINUED JUNE 27, 2007)

The application was presented by Bob Hoyes, Planner who explained the applicant had requested several waivers in conjunction with the site plan, some of which Staff was in support of; however, was not in support of others, as they did not feel the applicant had presented compelling evidence to support a waiver request. One waiver was to request 10 feet of landscaping along Las Vegas Boulevard where 20 feet was required, which Staff did not support. Another waiver request was to provide foundation landscaping, or lack thereof, as identified on the site plan, Staff felt foundation landscaping or an alternative acceptable as identified in the Commercial Design Guidelines could be provided and should be provided. The applicant also requested a waiver of the parking lot landscaping that required a landscape strip for every other row of head to head parking and one landscape island for every 15 parking spaces in a row. The applicant proposed an alternative which was a landscape diamond for every three parking spaces or portion thereof and Staff felt it would be consistent with the existing development and would be an improvement. A waiver request for zero landscaping adjacent to residential, which would be on the northern property line and at the northwest corner and currently there was a chain link fence between the back of house operations for the K-mart and the residential to the north and Staff felt a landscape waiver could be granted due to spacial limitations; however, to replace the chain link fence, a decorative block wall would better meet the intent of some buffering and noise attenuation; therefore, due to the type of changes required as a result of the requests and Staff's positions, Staff was recommending that SPR-33-07 be continued to allow the applicant to make the changes.

Steve Boss, Afton Pacific, 2600 Mission Street, Suite 100, San Moreno, CA 91108 appeared on behalf of the applicant and addressed the landscape set-back on Las Vegas Boulevard. He explained there was currently a 20 foot NDOT right-of-way so they felt with an additional 20 feet, there would be a 40 foot landscape set-back, which may not comply with the new urbanism thoughts with the buildings being put up to the street. He explained there was very little parking on that set-back and that it was mainly for access and circulation, so they felt it might have mitigating circumstances for the additional 20 foot set-back and indicated they were willing to work with Staff on the other issues.

Commissioner Dean Leavitt understood the landscaping seemed burdensome but the Commission generally did not give landscape waivers and thought something could be worked out and agreed with Staff that the application should be continued.

Mr. Boss agreed to continue the application.

Commissioner Ned Thomas clarified that the primary issue was the landscaping.

Mr. Boss stated it was his understanding the issues brought up at the previous Planning Commission meeting had been addressed with regard to the length of the building, that it had been reviewed by the Fire Department and Police Department and they had no issues with the design.

Mike Steele of the Fire Department explained the Fire Department reviewed the site plan and the fire access lanes were acceptable, as they could use Las Vegas Boulevard and part of the parking lot.

Jose Rodriguez of the Police Department explained the length of the drive isle was addressed and was willing to work with the applicant.

Commissioner Thomas asked if a new site plan had been submitted. Mr. Eastman responded it had not.

Mr. Boss was not aware a new site plan was requested. He clarified the application was being continued to address the landscape waiver and the block wall.

ACTION: CONTINUED TO JULY 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, and Thomas

NAYS: None

ABSTAIN: None

Item No. 21 was heard next.

23. **UN-59-07 (30544) AMERICAN GENERAL FINANCIAL SERVICES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AMERICAN GENERAL FINANCIAL SERVICES ON BEHALF OF CRAIG ROAD GROUP LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (MORTGAGES AND CONSUMER LENDING ESTABLISHMENT). THE PROPERTY IS LOCATED AT 955 W. CRAIG ROAD, SUITES 108 & 109. THE ASSESSOR'S PARCEL NUMBER IS 139-04-713-006. (CONTINUED JUNE 27, 2007)**

The application was presented by Bob Hoyes, Planner who explained Staff recommended approval of UN-59-07 subject to the following conditions:

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 be in compliance with all conditions of SPR-38-04, including but not limited to, the approved elevations.
3. That the special use permit is site-specific and non-transferable.
4. That any expansions to the use shall be subject to Planning Commission review and approval.
5. The use of this facility shall be limited to those allowable for a Financial Institution, as defined in the North Las Vegas Municipal Code.
6. Deferred Deposit Loans, Payday Loans, Payday Advances, Cash Advance Services, Check Cashing Services, and Auto Title Loans, as defined in the North Las Vegas Municipal Code, shall be prohibited at this location.

Marguerite Hensley, District Manager of American General Financial Services, 955 West Craig Road Suite 108 and 109, North Las Vegas, NV 89032 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Commissioner Dean Leavitt made sure the applicant understood there would be no aspect of a payday loan with the proposed use. Ms. Hensley clarified the use was not for a payday loan.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt
SECOND: Commissioner Shull
AYES: Vice-Chairman Trivedi, Commissioners Leavitt, Shull, and Thomas
NAYS: None
ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning and Zoning Director Jory Stewart reminded the Commission there would be a Special Planning Commission meeting at 6:00 p.m. on Tuesday, July 24, 2007 at the Aliante Library to discuss Title 17.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

APPROVED: August 8, 2007

/s/ Steve Brown
Steve Brown, Chairman

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