

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

November 22, 2005

**All Staff Reports and attachments are available on the City's Website -  
<http://www.cityofnorthlasvegas.com>**

**BRIEFING:** 5:30 p.m., Conference Room, North Las Vegas City Hall,  
2200 Civic Center Drive

**CALL TO ORDER:** 6:05 p.m., Council Chambers, North Las Vegas City Hall,  
2200 Civic Center Drive

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

**STAFF PRESENT:** Jory Stewart, Planning & Development Director  
Marc Jordan, Planning Manager  
Bob Hoyes, Planner  
Terence Capers, Planner  
Nick Vaskov, Deputy City Attorney II  
Randy Cagle, PW, Real Property Services Manager  
Clete Kus, PW, Transportation  
James Frater, Fire Department  
TonyTaylor, Parks Planner  
Jo Ann Lawrence, Recording Secretary

**VERIFICATION:** Jo Ann Lawrence, Recording Secretary

**PLEDGE OF ALLEGIANCE:** Vice-Chairman Jo Cato

**WELCOME:** Chairman Jay Aston

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 26, 2006.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**CONSENT AGENDA**

**A. PW-183-05 (23519) CRAIG & PALM: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY CELEBRATE PROPERTIES, LLC AND ACCEPT THE SUBDIVISION BOND IN THEA MOUNT OF \$854,639.47.**

Commissioner Harry Shull stated he would be abstaining, as the company he worked for was asking for the subdivision bond.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: Commissioner Shull

**B. PW-184-05 (23520) TRIED STONE BAPTIST CHURCH: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY TRIED STONE BAPTIST CHURCH AND ACCEPT THE IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$74,326.05.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**C. PW-185-05 (23521) GRANITE WORLD: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY GWP, LLC AND ACCEPT THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$17,600.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**D. PW-186-05 (23522) LAGUNA PARK II: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY CONTRACTORS BONDING AND INSURANCE COMPANY TO RELEASE THE OFF-SITE IMPROVEMENT BOND IN THE AMOUNT OF \$416,265.19.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**E. PW-187-05 (23523) SHADOW SPRINGS PHASE 1, UNIT 2: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY SAFECO INSURANCE COMPANY OF AMERICA TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$276,399.10.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

**F. PW-188-05 (23524) ALIANTE COMMONS SEWER EXTENSION: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY ANN ALLEN COMMONS, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$41,182.08.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

Chairman Jay Aston stated Item No. 10 was related to Item Nos. 17, 18, and 19 and would be heard after Item No. 10.

1. **AMP-64-05 (23264) CAREY/COMMERCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOSHI AND ASSOCIATES ON BEHALF OF THE HOUSING AUTHORITY CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LIGHT INDUSTRIAL AND LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED NORTH OF CAREY AVENUE AND APPROXIMATELY 300 FEET EAST OF REVERE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-15-417-001 THRU -123.**

Item Nos. 1 and 2 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of AMP-64-05.

**Brian Psioda, 2727 South Rainbow Blvd., Las Vegas, NV 89146** appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

2. **ZN-90-05 (23266) CAREY/COMMERCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOSHI AND ASSOCIATES ON BEHALF OF THE HOUSING AUTHORITY CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED NORTH OF CAREY AVENUE AND APPROXIMATELY 300 FEET EAST OF REVERE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-15-417-001 THRU -123.**

Item Nos. 1 and 2 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-90-05.

**Brian Psioda, 2727 South Rainbow Blvd., Las Vegas, NV 89146** appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

3. **UN-122-05 (23263) CINGULAR WIRELESS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CINGULAR WIRELESS ON BEHALF OF INTERNATIONAL SMELTING COMPANY, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT TO ALLOW A TELECOMMUNICATIONS TOWER (MONOPALM). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ELAINE STREET AND WITTIG AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-22-101-009.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending denial of UN-122-05 as the applicant had not produced a notarized affidavit indicating they had made attempts to co-locate on other towers in the area or to find City owned property; however, they had been in communication with Public Works and there were no facilities in the area. Staff had some concerns with the item as one of the requirements in the zoning ordinance was that for any cell tower, they had to be located three to one, which meant for every foot of height, they had to be located three feet from any residential property line. Even though the property was ranch estates, they still had all the surrounding ranch estates properties to the north, east and south that they would need to show compliance with the set-backs, which they had not done. The applicant could ask for it to be considered as part of the special use permit, which could be considered by the Planning Commission; however they had not requested it, so their cell tower was not in compliance with the set-back requirements. Staff had concerns the tower would dictate future land uses for the area, as it was already residential, when there were other areas that were more appropriate.

**John Wright, 3763 Howard Hughes Parkway, Suite 200, Las Vegas, NV 89109** appeared on behalf of the applicant stating there was no development in the area and they had submitted multiple letters to all property owners in the area. There was only one property owner who responded and they were able to establish a lease with the International Smelting Company for the cell tower. He stated there were no structures in the area or any towers to co-locate on. He stated they would submit the affidavit and did not realize a variance needed to be requested for the set-backs and asked for the Commission's approval of the application as submitted.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt explained to the applicant that he appreciated his willingness to meet Staff's recommendations and would be happy to approve the application when the requested affidavit and variance request was submitted. Mr. Wright asked if there was a process for asking for relief from the off-sites referenced in Staff's recommendation as they were approximately one-half mile from any paved road. He asked if they would be required to pave a road to the cell tower.

Clete Kus of Public Works responded a paved road would be required from the nearest paved right-of-way to the cell site and additionally, pavement would be required on the site. If the condition were to be waived, because these were public rights-of-ways, the City would be required to abate the dust pollution.

Commissioner Leavitt asked the applicant if he was agreeable to a two week continuance. Mr. Wright responded he was.

Mr. Jordan stated there was still an issue of the set-back requirements and, by ordinance, they were required to formally request that, which is a special use application. Since the public had not been notified of the desire to reduce the set-backs, two weeks would not allow enough time for notification and asked for a minimum of 30 days to the December 28, 2005 Planning Commission meeting. Also, the applicant would need to submit a revised letter stating the set-back they desired, so new public hearing notices could be sent out. The applicant was agreeable to continue to December 28, 2005.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

4. **UN-125-05 (23253) NLV HOOPS, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIM C. AYALA ON BEHALF OF JAVSE REALTY CORPORATION, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW INDOOR TRAINING FACILITIES AND/OR RECREATIONAL USES. THE PROPERTY IS GENERALLY LOCATED NORTH OF MENDENHALL DRIVE AND APPROXIMATELY 300 FEET EAST OF LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-02-613-020.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending UN-125-05 be continued indefinitely as the application had not been signed by the property owner; therefore, the application was considered incomplete and could not be considered at the current meeting.

**Tim Ayala, 4600 Sunset Road, Henderson, NV** appeared on behalf of the applicant stating he understood the owner of the property was located in New York and agreed with the application but had a lease with the realtor. In accordance with the legal documents, he did not have the signature from the lessor and agreed to an indefinite continuance.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

5. **UN-127-05 (23250) CENTENNIAL CROSSING II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF LA GRANGE, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO ALLOW A SINGLE-FAMILY DWELLING. THE PROPERTY IS GENERALLY LOCATED WEST OF COMMERCE STREET AND APPROXIMATELY 325 FEET NORTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-004.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-127-05 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 comply with the Single-Family and Two-Family Design Standards.
3. That the applicant shall incorporate approximately 1,800 square feet of Common Lot "F" into Lot 37, beginning from where the driveway begins to the rear property line, which is approximately 120 feet.
4. That a wall shall not be constructed between Common Lot "F" and Festivity Avenue.

Mr. Jordan also indicated Staff was concerned the applicant did not show compliance with the set-backs for a single-family home in an R-2 area, specifically a ten foot side set-back. Under normal circumstances, in R-1, five feet was required; but, there was a common element adjacent to the property that was not required and if that common element were incorporated into the lot, it would give the applicant the ability to shift the house five feet to the north and meet all set-back requirements.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant stating he concurred with Staff recommendation with the addition of Staff's recommendation to incorporate the common element into the lot.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

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

6. **ZN-92-05 (23254) LA MADRE - GOLDFIELD II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES ON BEHALF OF NORTH LAS VEGAS II, LLC, FRANK T. FERRARO, JR. ET AL, MARIE AND JOHN MANZELLA, AND SERENE INVESTMENTS, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF GOLDFIELD STREET AND VERDE WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-803-003, 124-34-803-004, 124-34-803-005 AND 124-34-803-006.**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-92-05.

**Russell Skuse of RS Consulting, Inc., 7525 Hickam Avenue, Las Vegas, NV 89129** appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

7. **AMP-66-05 (23257) AZURE & NOVAK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DON GRISLEY ON BEHALF OF QUANTUM INVEST GROUP NUMBER TWO, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF BUSINESS RESEARCH OR DEVELOPMENT PARK AND INDUSTRIAL TO HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF AZURE AVENUE AND NOVAK STREET. THE ASSESSOR'S PARCEL NUMBER IS 123-29-201-005.**

Item Nos. 7 and 8 were presented together.

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending denial of AMP-66-05 as the proposed site, as a high density residential land use, would be a high density residential island surrounded by medium low density residential developments. Some of the existing residential lots were fronting Novak Street and Azure Avenue and with the high density residential land use, if approved, a much higher volume of traffic would circulate through the existing residential streets creating a potential unsafe environment for the neighborhood due to the incompatible land uses. Staff had serious concerns with the placement of the high density residential development, as it is also close to the Union Pacific Railroad. The Fire Department also submitted a memo indicating the increase in population, due to the zone change, would delay evacuation from any potential railroad hazardous material spill.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw and Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating on either side of the proposed development, there was a planned unit development for single-family homes, which was now master planned for medium-low density residential. There was a portion left for industrial and when the area was rezoned to allow single-family homes, there was discussion about the fact that industrial property, which was meant to buffer the railroad tracks, was being replaced with single-family homes. Since those two applications were approved to allow the homes, the industrial zoning in place now, was no longer appropriate and the hard zoning was M-2, which was one of the more intense forms of industrial zoning. Ms. Lazovich stated if a site plan were turned in for industrial zoning on the site, she felt it would not be compatible with the area with the recent development of homes in the area. She stated that was why they put forth the application for high density residential and request for R-3 zoning. The property was a triangle shape and was less than seven acres, which gave less flexibility to put something on the front portion because there would be a buffer area next to the railroad tracks which would also need a buffer, which would eat further into the property so there was only about one half of the property left for development. They were trying to get some density, so the buffer could be maintained. Also, due to the railroad being there and the materials that

could be carried, it might be better to put a for-rent product as to not contribute to the additional single-family homes and any potential objection to the railroad in the future.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked the density on the property surrounding the proposed site. Ms. Lazovich responded the master plan was for medium-low density, which allowed up to six units per acre and the PUD's, due to the open space, were 5.8 or 5.9. Chairman Aston felt high density or R-3 was too much of a jump in density.

Commissioner Steve Brown felt the Industrial was inappropriate but high density was also inappropriate and suggested the applicant consider medium-density.

Commissioner Dilip Trivedi asked the applicant how they were addressing traffic and evacuation concerns. Ms. Lazovich responded one of the concerns raised by the Fire Department was the evacuation plan. They would be working with Azure Avenue and Novak Street but because of the size of the parcel, there would not be much density but they were required by the Fire Department to work with them on an evacuation plan. Also, if they were to put in a for-rent product, they were usually larger buildings, which could have some type of alarm system.

Commissioner Dean Leavitt agreed that high density was too large of a jump in density, but could support medium density with R-2 zoning.

Chairman Jay Aston asked Ms. Lazovich if she would agree to medium density with R-2 zoning. Ms. Lazovich responded she did not have the authority to accept that, but if that was the Commission's desire, she would take it to the applicant.

**ACTION:** APPROVED FOR MEDIUM DENSITY RESIDENTIAL

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

8. **ZN-91-05 (23259) AZURE & NOVAK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DON GRISLEY ON BEHALF OF QUANTUM INVEST GROUP NUMBER TWO, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN M-2 GENERAL INDUSTRIAL DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF AZURE AVENUE AND NOVAK STREET. THE ASSESSOR'S PARCEL NUMBER IS 123-29-201-005.**

Item Nos. 7 and 8 were presented together.

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending denial of ZN-91-05 as the proposed site, as a high density residential land use, would be a high density residential island surrounded by medium low density residential developments. Some of the existing residential lots were fronting Novak Street and Azure Avenue and with the high density residential land use, if approved, a much higher volume of traffic would circulate through the existing residential streets creating a potential unsafe environment for the neighborhood due to the incompatible land uses. Staff had serious concerns with the placement of the high density residential development, as it is also close to the Union Pacific Railroad. The Fire Department also submitted a memo indicating the increase in population, due to the zone change, would delay evacuation from any potential railroad hazardous material spill.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw and Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating on either side of the proposed development, there was a planned unit development for single-family homes, which was now master planned for medium-low density residential. There was a portion left for industrial and when the area was rezoned to allow single-family homes, there was discussion about the fact that industrial property, which was meant to buffer the railroad tracks, was being replaced with single-family homes. Since those two applications were approved to allow the homes, the industrial zoning in place now, was no longer appropriate and the hard zoning was M-2, which was one of the more intense forms of industrial zoning. Ms. Lazovich stated if a site plan were turned in for industrial zoning on the site, she felt it would not be compatible with the area with the recent development of homes in the area. She stated that was why they put forth the application for high density residential and request for R-3 zoning. The property was a triangle shape and was less than seven acres, which gave less flexibility to put something on the front portion because there would be a buffer area next to the railroad tracks which would also need a buffer, which would eat further into the property so there was only about one half of the property left for development. They were trying to get some density, so the buffer could be maintained. Also, due to the railroad being there and the materials that could be carried, it might be better to put a for-rent product as to not contribute to the

additional single-family homes and any potential objection to the railroad in the future.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked the density on the property surrounding the proposed site. Ms. Lazovich responded the master plan was for medium-low density, which allowed up to six units per acre and the PUD's, due to the open space, were 5.8 or 5.9. Chairman Aston felt high density or R-3 was too much of a jump in density.

Commissioner Steve Brown felt the Industrial was inappropriate but high density was also inappropriate and suggested the applicant consider medium-density.

Commissioner Dilip Trivedi asked the applicant how they were addressing traffic and evacuation concerns. Ms. Lazovich responded one of the concerns raised by the Fire Department was the evacuation plan. They would be working with Azure Avenue and Novak Street but because of the size of the parcel, there would not be much density but they were required by the Fire Department to work with them on an evacuation plan. Also, if they were to put in a for-rent product, they were usually larger buildings, which could have some type of alarm system.

Commissioner Dean Leavitt agreed that high density was too large of a jump in density, but could support medium density with R-2 zoning.

Chairman Jay Aston asked Ms. Lazovich if she would agree to medium density with R-2 zoning. Ms. Lazovich responded she did not have the authority to accept that, but if that was the Commission's desire, she would take it to the applicant.

**ACTION:** APPROVED FOR R-2 ZONING

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

**9. VAC-34-05 (23251) LONE MOUNTAIN/LAWRENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ENGLE HOMES ON BEHALF OF GMAC MODEL HOME FINANCE, INC., PROPERTY OWNER, TO VACATE A 10-FOOT-WIDE PORTION OF THE NORTHERLY SIDE OF LONE MOUNTAIN ROAD COMMENCING AT THE NORTHWEST CORNER OF LAWRENCE STREET AND LONE MOUNTAIN ROAD AND PROCEEDING WEST APPROXIMATELY 275 LINEAL FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-802-009.**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of VAC-34-05 subject to the following condition:

1. The vacation must record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

**Chris Zang of Taney Engineering, 4445 South Jones #1, Las Vegas, NV 89103** appeared on behalf of the applicant stating he concurred with Staff recommendation but asked that the condition be amended to read: "The vacation may record concurrently with the final map" instead of "must be recorded."

Mr. Capers stated the condition should be amended to read: "The vacation may record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void."

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION WITH CONDITION NO. 1 AMENDED TO READ:**

1. THE VACATION MAY RECORD CONCURRENTLY WITH THE FINAL MAP. SHOULD THE ORDER OF VACATION NOT RECORD WITHIN ONE YEAR FROM THE APPROVAL DATE, THE VACATION SHALL BE DEEMED NULL AND VOID.

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

10. **AMP-65-05 (23260) DEER SPRINGS CROSSING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING, LLC ON BEHALF OF ROME'S GOLDEN 40, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LOW DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-001, 124-23-301-002, 124-23-301-003, 124-23-301-004, 124-23-301-005, 124-23-301-006, 124-23-301-007, 124-23-301-008, 124-23-301-010, 124-23-301-011, 124-23-301-012, 124-23-301-013, 124-23-301-014 AND 124-23-301-017.**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of AMP-65-05.

**Diana Bossard, B2 Developer Services, 2920 North Green Valley Pkwy. #814, Henderson, NV 89014** appeared on behalf of the applicant stating she concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

- **Stacey Mosti, 920 Rome Boulevard, North Las Vegas, NV 89086** stated she was opposed to the application and would like to keep low density.
- **Tony Mosti, 920 Rome Boulevard, North Las Vegas, NV 89086** stated he was opposed to commercial in the area.
- **Rhett Beaman, 1212 E. Rome Boulevard, North Las Vegas, NV 89086** stated he was opposed and felt commercial would create a major thoroughfare coming from the Centennial/Bruce area off of Losee Road.

Chairman Aston closed the Public Hearing.

**John Stewart, 8375 West Flamingo Road, Suite 200, Las Vegas, NV 89147** stated there were other applications to be heard subsequent to this application, which would give further detail to the proposed development. From his standpoint, as a developer and member of the community, he took the opportunity to hold a neighborhood meeting to discuss the proposed project, which was done early in the planning process, in addition to the typical notice requirements by the City of North Las Vegas. There was a good turnout and there were many concerns brought up by the neighbors. As far as the applicability of the development, it was his understanding that the North 5<sup>th</sup> Corridor had been designated by

the City of North Las Vegas as a major transit oriented corridor with various commercial and residential uses. He felt this application was consistent with the City's short-term and long range planning for that corridor.

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 17 was heard next.**

11. **SPR-60-05 (23255) DEER SPRINGS CROSSING. AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING LLC ON BEHALF OF ROME'S GOLDEN 40 LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-E RANCH ESTATES RESIDENTIAL DISTRICT (PROPOSED TO A C-2 GENERAL INDUSTRIAL DISTRICT) FOR 313,040 SQUARE FEET OF COMMERCIAL RETAIL BUILDINGS AND LANDSCAPE WAIVERS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF NORTH FIFTH STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-001, 124-23-301-002, 124-23-301-003, 124-23-301-004, 124-23-301-005, 124-23-301-006, 124-23-301-007, 124-23-301-008, 124-23-301-010, 124-23-301-011, 124-23-301-012, 124-23-301-013, 124-23-301-014 AND 124-23-301-017.**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of SPR-60-05 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 site plan (SPR-60-05) shall be considered null and void if AMP-65-05 and ZN-71-05 are not approved by the City Council.
3. The sign locations and dimensions shown on the submitted site plan shall be considered conceptual, and shall be reviewed with the Unified Sign Plan.
4. The development shall comply with all requirements of the Commercial Development Standards and Design Guidelines, except for
  - a. A tree diamond 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 shall be provided.
  - b. A screen wall shall not be provided between this commercial development and the adjacent residential zoned property.
5. Site amenities shall be provided as required by the Commercial Development Standards and shall be detailed with the landscaping plans, as approved by Staff.
6. The square footage of pedestrian plaza areas shall be provided as shown on the submitted site plan.

7. Pedestrian pathways shall be provided in the locations shown on the submitted site plan and shall be constructed of textured dyed concrete or pavers, as approved by Staff.
8. An attached twelve (12) foot screen wall shall be provided the length of each loading area behind Retail J and Retail K constructed to match the primary buildings in addition to one tree every twenty (20) feet on center for an intense landscaping buffer.
9. An attached twelve (12) foot screen wall shall be provided the length of each loading area behind Retail B and Retail C constructed to match the primary buildings in addition to one tree every twenty (20) feet on center for an intense landscaping buffer.
10. The financial institution (bank) shall comply with the conditions of approval for UN-123-05.
11. The convenience food restaurant shall comply with the conditions of approval for UN-124-05.
12. Fire access lanes shall be designed in accordance with Fire Code requirements.
13. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
14. This item shall comply with the conditions of approval for VAC-31-05.
15. Left turn/full access locations for this development may be permitted along Deer Springs Way, 660 feet east of the North 5<sup>th</sup> Street intersection and along Rome Boulevard, also 660 feet east of the North 5<sup>th</sup> Street intersection. All other permitted driveways shall be right in/right out.
16. As North 5<sup>th</sup> Street is a planned, limited access corridor, two commercial driveways will be permitted along North 5<sup>th</sup> Street. The driveways shall be right in/right out.
17. North 5<sup>th</sup> Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5<sup>th</sup> Street Improvements*.
18. All development along North 5<sup>th</sup> Street shall provide a twenty foot landscape and pedestrian access easement/common element adjacent to the right-of-way.

19. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5<sup>th</sup> Street and Deer Springs Way.
20. 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. North 5<sup>th</sup> Street
  - b. Deer Springs Way
  - c. Rome Boulevard
  - d. Donna Street
21. The Rome Boulevard and Donna Street geometrics shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
22. An additional five (5) feet of right-of-way must be dedicated along Deer Springs Way at North 5<sup>th</sup> Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 to construct a flared intersection.
23. Right-of-way dedication and construction of a CAT bus turn-out is required on Deer Springs Way near North 5<sup>th</sup> Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
24. Adjacent to any eight (80) foot right-of-way, a common lot and/or landscape and pedestrian access easement, with a minimum width of five (5) feet, shall be provided behind the required bus turn-out.
25. 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.
26. All public street sections and geometrics are subject to review and approval of the Director of Public Works, or his designee.
27. Approval of a drainage study is required prior to submittal of the civil improvement plans.
28. 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.

29. 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.
30. Approval of a traffic study is required prior to submittal of the civil improvement plans.
31. 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.
32. 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.
33. The property owner is required to grant a roadway easement for commercial driveway(s).
34. 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.
35. A revocable encroachment permit for landscaping within the public right of way is required.
36. The property owner is required to sign a restrictive covenant for utilities.
37. All off-site improvements must be completed prior to final inspection of the first building.
38. A Merger and Resubdivision Parcel map, or other mapping in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*, is required to consolidate the parcels.
39. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
40. Should VAC-31-05 be denied, this application shall be deemed null and void.

41. Tree triangles with a minimum width of three (3) feet on a side shall be provided on each side of all pedestrian ways that transverse parking lots between two (2) rows of parking. The tree triangles shall be provided with a frequency of one (1) tree triangle for every four (4) parking spaces in each row of parking on each side of the pedestrian way.
42. The maximum square footage of this development shall be 345,000 square feet.
43. The developer shall provide one four (4) foot by four (4) foot planter box an average of every twenty (20) feet in addition to awnings and colonnades where six (6) feet of foundation landscaping would be required, as approved by Staff.

**John Stewart, 8375 West Flamingo Road #200, Las Vegas, NV 89147** stated as far as the overall site configuration and as a fruition of meetings with City Staff, they have integrated various pedestrian access trials for a very walkable retail development which is consistent and will tie in with the North 5<sup>th</sup> Street transit mixed use corridor. He asked for clarification that the drive isle on Rome Boulevard must be a minimum of 220 feet from the face of curb to the intersection as he understood that it may be 200 feet. Clete Kus of Public Works responded the minimum spacing requirement for commercial driveways was 200 feet, measured curb face to curb face. Mr. Stewart also stated Condition No. 4, as far as a tree diamond every three parking spaces and every double row of parking in lieu of the requirement for a row of landscaping, as illustrated on the site plan, they have a combination of finger landscape medians and also diamond landscape medians. On Condition No. 41, it discusses that tree triangles shall be provided with the frequency of one tree triangle per every four parking spaces. It was his understanding that the tree diamonds would be spaced every four parking spaces interspersed with the finger medians. Marc Jordan, Planning Manager responded when looking at Condition Nos. 4 and 41, in the past, when there was waivers from the landscape islands or the landscaping between every other double row, the typical waiver that had been granted by the Commission was for every three; therefore, Staff would stay with Condition No. 4.a and Condition No. 41 would need to be amended. Mr. Stewart added, in terms of the spacing of the finger medians, it appeared there was a combination of four parking spaces, tree diamond, three parking spaces, tree diamond, and then four parking spaces, tree diamond, more for a symmetrical look.

Mr. Stewart also stated Condition No. 43 stated the developer shall provide one four foot by four foot planter box an average of every twenty feet in addition to awnings and colonnades where six feet of foundation landscaping would be required; he concurred with that, but asked to include the ability to put landscape pots interspersed with the four by four box planters. He also stated the site would be in a significant import situation, several hundreds of thousands of cubic yards would be required to bring the site up to its proposed grade and requested, due to that work, from a timing standpoint, if, upon approval of the drainage study for the site, if they could receive an early grading permit consistent with the drainage study.

Commissioner Jay Aston agreed with the applicant on Condition No. 4. On Condition No. 43, he asked if the pot was approximately the same size as the planter box and if it would be placed every other or every third. Mr. Stewart responded he agreed to the 20 foot spacing but instead of a four by four box every twenty feet, they would like to insert a pot or an architectural feature planter in lieu of one of the boxes. The spacing and size would not change. Chairman Aston asked if the condition needed to be amended.

Mr. Jordan stated the wording "or as approved by Staff" could be added at the end. Mr. Jordan also stated Condition Nos. 4 and 41 were different and asked that they remain as written. Condition No. 41 pertained to the landscape pedestrian paths that cut through the parking lot and Condition No. 4 pertained to all of the other parking rows.

Chairman Aston stated on Condition No. 4.a the words, "or as approved by Staff" could be added at the end. Chairman Aston asked if the grading permit was related to any of the conditions of approval. Mr. Stewart responded it was not. Chairman Aston stated that issue would need to be addressed with Staff.

Randy Cagle of Public Works stated the issue of a Grading Permit should be addressed to the Director of Public Works.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NOS. 4.A AND 43 AMENDED AS FOLLOWS:

- 4.a. A TREE DIAMOND 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 SHALL BE PROVIDED, OR AS APPROVED BY STAFF.
  
- 43. THE DEVELOPER SHALL PROVIDE ONE FOUR (4) FOOT BY FOUR (4) FOOT PLANTER BOX OR POT AN AVERAGE OF EVERY TWENTY (20) FEET IN ADDITION TO AWNINGS AND COLONNADES WHERE SIX (6) FEET OF FOUNDATION LANDSCAPING WOULD BE REQUIRED, AS APPROVED BY STAFF

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Carvalho

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

**NAYS:** None

**ABSTAIN:** None

12. **UN-123-05 (23261) DEER SPRINGS CROSSING. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING, LLC ON BEHALF OF ROME'S GOLDEN 40, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT (PROPOSED C-2 GENERAL COMMERCIAL DISTRICT) TO ALLOW A FINANCIAL INSTITUTION (BANK) WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-001, 124-23-301-002, 124-23-301-003, 124-23-301-004, 124-23-301-005, 124-23-301-006, 124-23-301-007, 124-23-301-008, 124-23-301-010, 124-23-301-011, 124-23-301-012, 124-23-301-013, 124-23-301-014 AND 124-23-301-017.**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of UN-123-05 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. UN-123-05 is site specific and non-transferable.
3. The approval for UN-123-05 shall be limited to a bank as regulated by the Federal Government.
4. The bank (UN-123-05) shall comply with the conditions of approval for SPR-60-05.
5. Fire access lanes shall be marked to prohibit parking in accordance with the Fire code.
6. No permits shall be issued prior to approval of the associated site plan review (SPR-60-05).

**Diana Bossard, B2 Developer Services, 2920 North Green Valley Pkwy. #814, Henderson, NV 89014** appeared on behalf of the applicant stating she concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

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

13. **UN-124-05 (23262) DEER SPRINGS CROSSING. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING, LLC ON BEHALF OF ROME'S GOLDEN 40, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT (PROPOSED C-2 GENERAL COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH A DRIVE-THRU. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-001, 124-23-301-002, 124-23-301-003, 124-23-301-004, 124-23-301-005, 124-23-301-006, 124-23-301-007, 124-23-301-008, 124-23-301-010, 124-23-301-011, 124-23-301-012, 124-23-301-013, 124-23-301-014 AND 124-23-301-017.**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of UN-124-05 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. UN-124-05 is site specific and non-transferable.
3. The convenience food restaurant (UN-124-05) shall comply with the conditions of approval for SPR-60-05.
4. The convenience food restaurant shall comply with the Commercial Development Standards including that a pedestrian pathway shall be placed between the perimeter public sidewalk to the primary customer entrance.
5. No permits shall be issued prior to approval of the associated site plan review.

**Diana Bossard, B2 Developer Services, 2920 North Green Valley Pkwy. #814, Henderson, NV 89014** appeared on behalf of the applicant stating she concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

14. **UN-126-05 (23252) VALLEY COURT, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VALLEY COURT, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A SUPPER CLUB. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-401-021.**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of UN-126-05 subject to the following conditions:

1. That UN-126-05 be subject to all applicable conditions of ZN-49-02.
2. That the final development plan for the commercial center shall be subject to review and approval by the City Council.
3. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
4. That the use permit is site-specific and non-transferable.
5. That the applicant provide a graphic illustration that clearly indicates that no tavern is within 1,500 feet of the proposed establishment prior to issuance of a building permit. The illustration shall be created and stamped by a Nevada-licensed surveyor.
6. That the applicant provide a graphic illustration that clearly indicates that no child care facility that provides for more than 12 children or public park is within 400 feet of the proposed establishment prior to the issuance of a building permit. The illustration shall be created and stamped by a Nevada-licensed surveyor.
7. That the construction of the proposed supper club take place after, or in conjunction with, the construction of "Major (tenant) A", previously identified as a drug store. All associated parking and landscaping shall be provided at the time of construction.
8. That the required pedestrian plaza area(s) be constructed as part of the first phase of construction.
9. That a minimum twenty (20) feet of landscaping be provided between the residential and commercial portions of the PUD. Installation, ownership and maintenance of the landscaping shall be the responsibility of a property owner association(s) and/or the commercial center.

10. That the sidewalk adjacent to Ann Road, if not currently in place, shall be meandering and separated from the back-of-curb by a minimum five (5) feet of landscaping.
11. That the development of the shopping center be in conformance with the Commercial Design Standards.
12. That all screen walls, if not currently in place, and landscaping be provided as part of the first phase of construction.
13. That bicycle parking areas be provided in a manner so as not to interfere with pedestrian walkways or required landscaping.
14. That, if not currently in place, a screen wall (maximum eight feet in height) be provided along the northern and western property lines. The wall shall be decorative on both sides, except where it faces a residential alley. The design of the wall shall be complementary to the design of the shopping center and shall not be permitted to have any smooth-face CMU blocks.
15. That site plan approval is conceptual, subject to a final development plan and code requirements.
16. That this approval shall not constitute or imply approval of any privileged business license that may be required by the City.
17. That all conditions, stipulations and limitations be fulfilled and construction begun within six months of the date of approval.
18. That windows be provided on the east-, west-, north- and south-facing walls that allow clear and unobstructed views into the interior of the establishment from outside, applicable only to public floor areas except the restrooms.
19. That restrooms be accessible from the dining area without having to go through any bar area.
20. That dining and waiting areas be separated from any bar area by an opaque wall with a minimum height of four feet.
21. That the supper club shall not exceed 4,992 total square feet (outside wall to outside wall).

22. That free-standing signage be restricted to monument-type and shall be part of the shopping center's overall approved sign program. The sign program for the shopping center shall be reviewed and approved by the City Council as part of the final development plan prior to application of a building permit or business license.
23. Fire access lane turning radii shall be designed and installed in accordance with the Fire Code.
24. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

**Phil Hicks, 2970 West Sahara Avenue, Las Vegas, NV 89102** appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Carvalho**

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

**NAYS: None**

**ABSTAIN: None**

**15. FDP-27-05 (23256) NORTH 5<sup>TH</sup> MARKETPLACE. AN APPLICATION SUBMITTED BY GREG BECKER ON BEHALF OF ANN FIFTH INVESTORS LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-502-001.**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of FDP-27-05 with modifications to Condition No. 3.a by adding "75 feet" and adding to Condition No. 3.b, "50 feet", which is for clarification purposes. Condition No. 25 to be replaced with the following: "The uses approved for the subject portion of the overall development shall be in accordance with those identified on the preliminary development plan, unless other approved by the Planning Commission in accordance with Section 17.28.050 of the Zoning Ordinance. All reviewing department/divisions reserve the right to comment on any unapproved uses until such time that applications are submitted for Special Use Permits." Condition No. 35 to be deleted. The original conditions listed in the Staff Report are as follows:

1. This development shall comply with all conditions of Ordinance Number 1705 (ZN-44-02).
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. 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. North 5<sup>th</sup> Street
  - b. Ann Road
4. Right-of-way dedication for a flared intersection, including a right turn lane, is required at Ann Road and North 5<sup>th</sup> Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements*, Drawing Number 201.1.
5. The North 5<sup>th</sup> Street section and geometrics are subject to review and approval of the Director of Public Works, or his designee.
6. All development along North 5<sup>th</sup> Street shall provide a twenty foot landscape and pedestrian access easement/common element adjacent to the right-of-way.

7. The North 5<sup>th</sup> Street access is limited to right in/right out.
8. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5<sup>th</sup> Street and Ann Road.
9. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
10. 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.
11. Approval of a drainage study is required prior to submittal of the civil improvement plans.
12. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvements plans.
13. 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.
14. Approval of a traffic study is required prior to submittal of the civil improvement plans.
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 7.24.130. 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. The property owner is required to grant a roadway easement for commercial driveway(s).
18. 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.

19. A revocable encroachment permit for landscaping within the public right of way is required.
20. 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*.
21. The property owner is required to sign a restrictive covenant for utilities.
22. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
23. All off-site improvements must be completed prior to final inspection of the first building.
24. The construction of all buildings and/or structures for this commercial center shall match those of the submitted "Exterior Elevations" dated October 10, 2005, including but not limited to the sloped concrete tile roof elements, stacked stone wainscot, stacked stone veneers, cornice and wall plane deviations.
25. The uses identified on the site plan are not approved or implied to be approved as part of this application and are required to be approved separately by the Planning Commission in accordance with Section 17.28.050 of the Zoning Ordinance. All reviewing department/divisions reserve the right to comment on the site and uses until such time that applications are submitted for Special Use Permits.
26. All sides of the convenience store building may be an aluminum store front system.
27. The "raised CMU planter" adjacent to the north side of the building is considered part of the required landscaping and is not required to comply with required building setbacks as long as the following criteria are satisfied:
  - a. The planter area is used to contain plants that are irrigated by the same automatic in-ground irrigation system as the remainder of the site.
  - b. All plants must comply with the minimum 60% coverage within two years of planting requirement.
  - c. The outside of the planter must be finished with the same stacked stone veneer to match the primary building.
  - d. No signage is permitted on the outside of the planter.

- e. The exposed wall sections are not greater than three feet (c.00') in height, as measured from the finished floor elevation of the abutting building.
  - f. The planter must be in compliance with all applicable Building Code and clear-sight-visibility zone requirements.
28. The following changes are required prior to this site being in compliance with Condition #19 or Ordinance Number 1706 (ZN-44-02):
- a. Pedestrian access routes must be provided from the sidewalks along Ann Road and North Fifth Street to the primary customer entrance. The access routes must be ADA-compliant and clearly identifiable through the use of appropriate pavement markings and stamped concrete, pavers or raised crossings.
  - b. The sidewalks along Ann Road and North Fifth Street must be meandering and must maintain a separation from the back-of-curb by a minimum five feet (5.00') of landscaping.
  - c. A minimum two spaces shall be provided for bicycle parking. Some form of secure apparatus (i.e., bike rack) shall be provided and located such that the bicycles and apparatus do not interfere with required landscaping or pedestrian access and is within 100 feet of the primary customer entrance.
  - d. In addition to the five-foot sidewalk, a minimum six feet (6.00') of foundation landscaping, or suitable alternative, is required along the west and south sides of the building.
  - e. All landscape islands within and at each end of all rows of parking are required to be a minimum six feet (6.00') in width.
  - f. A landscape berm of decorative wall measuring a minimum three feet (3.00') in height, as measured from the finished grade of the adjacent parking/driving surface, is required between the sidewalks along Ann Road and North fifth Street, and the interior of the site.
  - g. The trash enclosure must have a roof designed to match the sloped tile roof elements on the primary building.
29. The required landscaping along the north, west, south and east sides of the shopping center shall be installed prior to the issuance of the first Certificate of Occupancy for the site. The landscape plans submitted with the building permit application packet shall reflect all boundary landscape areas and the associated irrigation system(s).

30. A Master Sign Program for the shopping center is required to be reviewed and approved prior to the issuance of any building permits.
31. All sides of and only the convenience store may have aluminum store front systems. All other buildings/structures/uses identified on the site plan (i.e., car wash) shall have 100% opaque walls.
32. The sign identified on the site plan is not approved, nor is its location. All signage (i.e., location, type, size, design, etc.) will be reviewed and approved administratively during the review of the Master Sign Program and appropriate building permits.
33. All structures currently not identified, but are part of this commercial center will be required to match the exterior elevations of those approved herein. Such structures would include a future gas canopy, as well as future phases of this development.
34. The "Landscape plan" submitted with this application and dated October 10, 2005, shall be considered conceptual and is not binding.
35. Unless a Special use Permit is approved by the Planning Commission in accordance with Section 17.28.050 of the Zoning Ordinance for a convenience store with gas pumps, all references to the gas pumps shall be removed from the site plan, the site plan shall be re-drawn and re-submitted to the Planning and Development Department for administrative review.
36. Unless a Special Use Permit is approved by the Planning Commission in accordance with Section 17.28.050 of the Zoning Ordinance for a car wash, all references to the car wash shall be removed from the site plan, the site plan shall be re-drawn and re-submitted to the planning and Development Department for administrative review.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw and Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 35 DELETED AND CONDITION NOS. 3.a, 3.b AND 25  
AMENDED TO READ:

3. 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. NORTH 5<sup>TH</sup> STREET, 75 FEET
  - b. ANN ROAD, 50 FEET
  
25. THE USES APPROVED FOR THE SUBJECT PORTION OF THE OVERALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THOSE IDENTIFIED ON THE PRELIMINARY DEVELOPMENT PLAN, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 17.28.050 OF THE ZONING ORDINANCE. ALL REVIEWING DEPARTMENTS/DIVISIONS RESERVE THE RIGHT TO COMMENT ON ANY UNAPPROVED USES UNTIL SUCH TIME THAT APPLICATIONS ARE SUBMITTED FOR SPECIAL USE PERMITS.

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

16. **T-1227 (23157) CRAIG ROAD CONDOMINIUMS. AN APPLICATION SUBMITTED BY ROBERT DAVIS HOMES ON BEHALF OF CRAIG ROAD LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-3 MULTIFAMILY RESIDENTIAL DISTRICT CONSISTING OF 152 UNITS OF CONDOMINIUMS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF VANDENBURG LANE AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-601-006 AND 140-06-701-028.**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending T-1227 be continued because SPR-28-05, which was approved, had specific conditions addressing the design of the site and some requirements which need to be identified and subsequently, this application, which should have shown those conditions, did not represent the conditions; therefore, the tentative map, as presented, is not in compliance with previous conditions of approval and Staff is recommending continuance. If, however, the applicant is unable or unwilling to continue, Staff would need to default to a recommendation of denial.

**Phil Wakefield, 3321 North Buffalo Drive, Las Vegas, NV 89129** appeared on behalf of the applicant stating he agreed to the continuance.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 20 was heard next.**

17. AMP-48-05 (22449) DEER SPRINGS CROSSING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING ON BEHALF OF ROME'S GOLDEN 40, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-001, 124-23-301-002, 124-23-301-003, 124-23-301-004, 124-23-301-005, 124-23-301-006, 124-23-301-007, 124-23-301-008, 124-23-301-010, 124-23-301-011, 124-23-301-012, 124-23-301-013, 124-23-301-014 AND 124-23-301-017. (CONTINUED SEPTEMBER 28 AND OCTOBER 12, 2005)

Diana Bossard, B2 Developer Services, 2920 North Green Valley pkwy. #814, Henderson, NV 89014 appeared on behalf of the applicant stating she was withdrawing the application as the approval of Item No. 10 caused this application to not be necessary.

Item No. 18 was heard next.

18. **ZN-71-05 (22450) DEER SPRINGS CROSSING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING ON BEHALF OF ROME'S GOLDEN 40, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A C-2 GENERAL COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH FIFTH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-23-301-001, 124-23-301-002, 124-23-301-003, 124-23-301-004, 124-23-301-005, 124-23-301-006, 124-23-301-007, 124-23-301-008, 124-23-301-010, 124-23-301-011, 124-23-301-012, 124-23-301-013, 124-23-301-014 AND 124-23-301-017. (CONTINUED SEPTEMBER 28 AND OCTOBER 12, 2005)**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of ZN-71-05.

**Diana Bossard, B2 Developer Services, 2920 North Green Valley Pkwy. #814, Henderson, NV 89014** appeared on behalf of the applicant stating she concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 19 was heard next.**

**19. VAC-31-05 (22162) DEER SPRINGS CROSSING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS CROSSING ON BEHALF OF ROME'S GOLDEN 40, LLC, PROPERTY OWNER, TO VACATE A PORTION OF ENGEL AVENUE FROM NORTH FIFTH STREET TO DONNA STREET (APPROXIMATELY 1250 LINEAL FEET) AND A PORTION OF HOPE STREET FROM DEER SPRINGS WAY TO ROME BOULEVARD (APPROXIMATELY 1250 LINEAL FEET). THE ASSESSOR'S PARCEL NUMBER IS 124-23-301-00. (CONTINUED SEPTEMBER 28 AND OCTOBER 12, 2005)**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of VAC-31-05 subject to the following conditions:

1. Dedication of the following right-of-way is required:
  - a. An additional twenty five (25) feet along North 5<sup>th</sup> Street and associated spandrels.
  - b. An additional five (5) feet along Deer Springs Way at North 5<sup>th</sup> Street, per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1, to construct a flared intersection.
  - c. Right-of-way dedication and construction of a CAT bus turn-out is required on Deer Springs Way near North 5<sup>th</sup> Street per the *Uniform Standard Drawings for Public Works' construction Off-Site Improvements* Drawing Number 234.1.
2. Left turn/full access locations for this development may be permitted along Deer Springs Way, 660 feet east of the North 5<sup>th</sup> Street intersection and along Rome Boulevard, also 660 feet east of the North 5<sup>th</sup> Street intersection. All other permitted driveways shall be right in/right out.
3. A reversionary parcel map, or other mapping in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*, is required to consolidate the parcels and shall record concurrently with this vacation.

**John Stewart, 8375 West Flamingo Road #200, Las Vegas, NV 89147** stated he concurred with Staff recommendation and asked for clarification on Condition No. 1. It was his understanding that North 5<sup>th</sup> Street was currently a 100 foot right-of-way but with the proposed mass transit plans, whether they occur in the next few years or longer, will necessitate a 150 foot right-of-way and they agree and concur with the additional 25 feet dedication. He concurs with Condition No. 2, which specifies left turn full access movements along Deer Springs, 660 feet from the intersection of North 5<sup>th</sup> Street and on Rome Boulevard, 660 feet from the intersection of North 5<sup>th</sup> Street but question the lack of

a left in/left out movement at the main entrance on North 5<sup>th</sup> Street, which is 660 feet from both intersections. It was his understanding that upon commencement of construction of the proposed mass transit system, that access to and from, from a left in/left out standpoint, would be limited and he agreed with that; however, in the interim, from now and until whenever that was constructed, he would like to see a left in/left out movement at that intersection.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt asked Clete Kus of Public Works to comment on the proposed change to Condition No. 2. Mr. Kus responded the plan for North 5<sup>th</sup> Street was to develop it as a multi-modal corridor. Public Works' plans envision it being a limited access arterial roadway as well as being a transit corridor. As such, the creation of medians within the roadway was something the Department of Public Works would be in opposition to. The applicant also mentioned an interim arrangement. Unfortunately, with the entitlement process and subsequent civil improvements, they have adopted a roadway standard, which they will be required to construct and that would include the construction of a median; therefore, the possibility of interim turning areas was not a viable option.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

**Item No. 11 was heard next.**

20. **FDP-24-05 (22813) HALEVA OFFICE/WAREHOUSE. AN APPLICATION SUBMITTED BY ROSHPINA LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 89,600 SQUARE FEET OF OFFICE/WAREHOUSE BUILDINGS. THE PROPERTY IS LOCATED APPROXIMATELY 660 FEET EAST OF ALLEN LANE AND SOUTH OF LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-20-202-006, 139-20-202-007, 139-20-202-008 AND 139-20-202-014. CONTINUED OCTOBER 26, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending FDP-24-05 be continued indefinitely.

The applicant was not present.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

21. **AMP-28-05 (20924) CANYON BAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY R. S. BHATHAL AND MARTHA S. BHATHAL, PROPERTY OWNERS, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO DELETE RICE AVENUE BETWEEN DECATUR BOULEVARD AND MONTGOMERY STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-201-002 AND 124-30-201-003. (CONTINUED JUNE 22, AUGUST 24, OCTOBER 12, AND NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending denial of AMP-28-05 as Rice Avenue was needed to provide access to the surrounding development.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw and Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating the applicant was asking to remove Rice Avenue from the Master Plan of Streets and Highways and vacate Montgomery Street because they were attempting to buy both properties, north and south of Rice Avenue, so they could put it together for a future commercial shopping center. The applicant had some tenants who would like to move to the area, but prior to moving forward with whether or not the tenants would actually come here, they need to know whether or not they could assemble the property to develop it as one contiguous piece. She was aware of the concerns of eliminating Rice Avenue at this point, as well as the vacation of Montgomery Streets tied into that. The applicant proposed a condition that read: "The vacation may not be recorded until North Las Vegas obtains another means of east/west access to Decatur Boulevard between Ann Road and I-215." The idea was, eventually Centennial Parkway would tie into Decatur Boulevard. There was a hold-up with some dedication on a piece of property that the property owner had decided not to dedicate at this time; but at some point, when the site was developed, they would have to dedicate Centennial Parkway and, likely, in the alignment, as it was shown on the Master Streets and Highway Plan. The proposed condition was to try to satisfy the concerns of the applicant to see if they could move forward with assembling those parcels of property for one cohesive development and protect the City of North Las Vegas to maintain access to the nearby developments along Centennial Parkway.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston was concerned the property in question was not currently owned by the applicant.

Commissioner Dilip Trivedi asked Staff why the condition proposed by the applicant was not acceptable. Clete Kus of Public Works responded the request created a situation where the conditions may not be met any time in the future and a question of where the vacation approval hinged. Is it as a result of the Commission passing the amendment, or is it at the point in time when the conditions were actually met, and in the event that, in the future, the conditions could not be met, what would the status of the approval of the vacation be.

Ms. Lazovich understood the concerns of Public Works; but, it was her understanding that a vacation was not perfected or could not take effect until it was recorded, so they were looking at it as, even though the Commission or Council could approve it, the vacation could not actually ever take effect until such time as it was recorded and the proposed condition removed the chance to record it until the City got the other east/west access.

Nick Vaskov, Deputy City Attorney added, as a matter of law and practice, AMP's are generally not conditioned because it was a legislative determination that affected the City as a whole and was not necessarily site specific.

ACTION: DENIED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

22. **VAC-18-05 (20919) CANYON BAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY R. S. BHATHAL AND MARTHA S. BHATHAL, PROPERTY OWNERS, TO VACATE RICE AVENUE BETWEEN DECATUR BOULEVARD AND MONTGOMERY STREET AND TO VACATE MONTGOMERY STREET BETWEEN RICE AVENUE AND RANCH HOUSE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-201-002 AND 124-30-201-003. (CONTINUED JUNE 22, AUGUST 24, OCTOBER 12, AND NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending denial of VAC-18-05.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw and Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant asking that comments from Item No. 21, AMP-28-05, be carried forward to this item as follows:

**Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw and Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating the applicant was asking to remove Rice Avenue from the Master Plan of Streets and Highways and vacate Montgomery Street because they were attempting to buy both properties, north and south of Rice Avenue, so they could put it together for a future commercial shopping center. The applicant had some tenants who would like to move to the area, but prior to moving forward with whether or not the tenants would actually come here, they need to know whether or not they could assemble the property to develop it as one contiguous piece. She was aware of the concerns of eliminating Rice Avenue at this point, as well as the vacation of Montgomery Streets tied into that. The applicant proposed a condition that read: "The vacation may not be recorded until North Las Vegas obtains another means of east/west access to Decatur Boulevard between Ann Road and I-215." The idea was, eventually Centennial Parkway would tie into Decatur Boulevard. There was a hold-up with some dedication on a piece of property that the property owner had decided not to dedicate at this time; but at some point, when the site was developed, they would have to dedicate Centennial Parkway and, likely, in the alignment, as it was shown on the Master Streets and Highway Plan. The proposed condition was to try to satisfy the concerns of the applicant to see if they could move forward with assembling those parcels of property for one cohesive development and protect the City of North Las Vegas to maintain access to the nearby developments along Centennial Parkway.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston was concerned the property in question was not currently owned by the applicant.

Commissioner Dilip Trivedi asked Staff why the condition proposed by the applicant was not acceptable. Cleve Kus of Public Works responded the request created a situation where the conditions may not be met any time in the future and a question of where the vacation approval hinged. Is it as a result of the Commission passing the amendment, or is it at the point in time when the conditions were actually met, and in the event that, in the future, the conditions could not be met, what would the status of the approval of the vacation be.

Ms. Lazovich understood the concerns of Public Works; but, it was her understanding that a vacation was not perfected or could not take effect until it was recorded, so they were looking at it as, even though the Commission or Council could approve it, the vacation could not actually ever take effect until such time as it was recorded and the proposed condition removed the chance to record it until the City got the other east/west access.

Nick Vaskov, Deputy City Attorney added, as a matter of law and practice, AMP's are generally not conditioned because it was a legislative determination that affected the City as a whole and was not necessarily site specific.

ACTION: DENIED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

23. **UN-115-05 (22876) NORTH 5<sup>TH</sup> & REGENA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SIEMPRE, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A SUPPER CLUB. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF REGENA AVENUE AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-26-101-005. (CONTINUED OCTOBER 12 AND NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending UN-15-05 be continued to allow the applicant time to address the concerns mentioned in the Memorandum dated November 22, 2005.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant stating the area would support mixed use. He felt a supper club at that location was appropriate and would serve both the residential and commercial tenants in the area. One of the issues raised relates to the issue of a 20 foot set-back on the east side of the property. Everything in the area to the east was planned for commercial. The zoning pattern in the area indicated that, while much of it was commercial, and gradually the vacant pieces are filling in and going commercial around the property. There are still some residential pieces left and there was also an existing home. Given the commercial pattern, in terms of land use, the high density residential to the south, that the area would not stay residential. It was reasonable to expect that it would go commercial and asked that the set-back be waived from 20 feet to 10 feet along the east side to accommodate the landscaping buffer and the applicant would add some additional landscaping to help achieve a temporary buffer from the existing residential. Another issue was the set-back required for the building from the normal right-of-way. Typically, if there was a 100 foot street, there would be a certain amount of landscaping with a front set-back from the street of 25 feet. In this instance, because the applicant was being asked to dedicate an additional 25 feet for the North 5<sup>th</sup> Corridor, they had asked for a waiver that would allow the applicant to have a slightly smaller set-back from the edge of the right-of-way as it existed in the proposed plan; but, more than sufficient landscaping because part of the North 5<sup>th</sup> Corridor was going to include a trail corridor running along the major roadway. They requested to be able to provide full landscaping as part of the trail segment the City would require as part of the North 5<sup>th</sup> Corridor and felt it would provide an adequate buffer that would compliment what was going on North 5<sup>th</sup> Street and provide pedestrian walkability and some landscaping and bring the supper club up to the street.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked the applicant which conditions he was referring to. Mr. Garcia responded he was referring to Condition No. 3, which would change the 20 foot of landscape buffer to 10 feet and Condition No. 8, which required the 10 foot landscape easement adjacent to the right-of-way, which would be eliminated and provided as per the plans. Chairman Aston asked if the Commission were to consider the application, if the applicant would be willing to decrease the spacing of the trees. Mr. Garcia responded that would be acceptable.

Commissioner Dean Leavitt was in support of the requested change to Condition No. 3 but would not agree to change Condition No. 8 as the City was establishing new design criteria, and he was not willing to approve any waivers. Mr. Garcia agreed, but, if it were not for the narrow site and they were giving up the space for the right-of-way and had made very effort to try to accommodate a very narrow profile with both the building and the site and asked for consideration on both waivers.

Marc Jordan, Planning Manager stated there were two items being requested to be waived. One was the landscaping along the east property line from 20 feet to 10 feet, which was the commercial design standard which would be considered by the Commission; however, reduction in the set-back along the right-of-way was actually a different application and could not be considered as part of this application. The applicant would need to come back with a variance request for the set-back.

Mr. Garcia stated he was agreeable to a continuance.

Chairman Aston asked Staff if there was a specific length of time for the continuance. Mr. Jordan responded an indefinite continuance was recommended since the variance request had not been submitted. Mr. Garcia was agreeable to that.

Commissioner Steve Brown asked the applicant if he had been in contact with the neighbor adjacent to the site, where he was requesting the reduction in the landscape buffer. Mr. Garcia responded the item had been before the Commission three time and the neighbor had not shown any interest in the application.

Commissioner Dilip Trivedi asked the applicant if he could forego the entrance on Regena Avenue, because, if that entrance was eliminated, the building could be pushed back and the variance would not be necessary. Mr. Garcia responded that would be difficult as dual access was usually a requirement.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Shull  
SECOND: Commissioner Leavitt

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

- 24. ZN-78-05 (22644) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF SIMMONS 15, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF APPROXIMATELY 44,500 SQUARE FEET OF RETAIL SPACE AND 34 UNITS OF WORK / LIVE LOFTS. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 200 FEET SOUTH OF CENTENNIAL PARKWAY AND APPROXIMATELY 200 FEET EAST OF SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-29-513-002. (CONTINUED OCTOBER 12 AND 26, AND NOVEMBER 9, 2005)**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-78-05 subject to the conditions in Staff Memo dated November 22, 2005 with the addition of Condition No. 27 to read: "Appropriate subdivision and/or parcel mapping is required to create the parcels as proposed. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the North Las Vegas Municipal Code." The conditions listed in memo are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. The applicant must demonstrate that there is a minimum 400 foot separation between the proposed day care facility and the proposed supper club.
3. The site plan shall incorporate the following revisions, subject to staff review and approval:
  - a. A crosswalk shall be provided from the restaurant area located at the western end of "Retail C" to the western end of parking island "A". Adjacent landscape islands shall be widened to accommodate the crosswalk and walkways.
  - b. A crosswalk shall be provided from the eastern end of parking island "A" to the sidewalk in front of "Retail C". Landscape islands shall be provided on either side of the crosswalk adjacent to parking staffs.
  - c. A crosswalk shall be provided from the central pedestrian walkway in front of "Retail C" to the eastern end of parking island "A".
  - d. A crosswalk shall be provided from the central pedestrian walkway in front of "Retail C" to the southern end of parking island "B".

- e. A crosswalk shall be provided from the southern end of parking island "B" to the sidewalk in front of "Retail C". Landscape islands shall be provided on either side of the crosswalk adjacent to parking stalls.
  - f. A crosswalk shall be provided from the northern end of parking island "B" to the central open space. Landscape islands shall be provided on either side of the crosswalk adjacent to parking stalls, and up to 15 parking stalls around the northern and western perimeter of the central open space shall be eliminated. Parking around the southern and eastern perimeter of the central open space may remain.
  - g. A crosswalk shall be provided from the central rear entrance of "Retail C" to the entrance of the proposed daycare facility. This crosswalk shall be designed as a traffic calming device.
  - h. A crosswalk shall be provided from the west-central stairwell at the rear of "Retail C" to the Public Play Area. Parking stalls adjacent to the Public Play Area shall be eliminated to provide a larger and more user-friendly open space area.
  - i. A crosswalk shall be provided from the east-central stairwell at the rear of "Retail C" to the Dog Walking Area. Parking stalls adjacent to the Dog Walking Area shall be eliminated to provide a larger and more user-friendly open space area.
  - j. Landscaping along both sides of the central walkway between "Retail C" and the central open space area shall be widened to a minimum width of twenty (20) feet and planted with trees. Twenty (20) parking stalls adjacent to the central walkway shall be eliminated.
  - k. Landscape islands with a minimum width of twelve (12) feet (same as the daycare center) shall be provided on either side of the central rear entrance.
4. Construction of the Developed Open Space is to be started upon the issuance of the 17<sup>th</sup> building permit, and completed upon the issuance of the 34<sup>th</sup> building permit.
  5. At a minimum, the following amenities shall be provided within the open space, as approved by the Director of Parks and Recreation, or designee:
    - a. Circuitous lighted paths;
    - b. A minimum of 20 24-inch box trees per acre;
    - c. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (or an equivalent);

- d. A large open space area for group/organized play;
  - e. One large group shade are/gazebo (30' diameter), lighted (or equivalent);
  - f. Space with a clubhouse or large activity room;
  - g. Picnic tables and barbecue grills (3 minimum);
  - h. Benches spaced along park pathways (5 minimum);
  - i. Trash receptacles (5 minimum);
  - j. Details of amenities to be provided.
6. Carports, at a minimum, shall have a cornice element and use a simulated stucco finish.
  7. A final development plan is required and the commercial and residential components of the Planned Unit Development shall be submitted on one final development plan.
    - a. A phasing plan shall be submitted with the final development plan for this Planned Unit Development.
    - b. Building elevations shall be submitted for each commercial and multi-family building with the final development plan for this Planned Unit Development.
    - c. The final development plan shall provide details of the open space/park areas showing landscaping, amenities, boundaries and calculated square footage.
    - d. A pedestrian circulation plan, including ADA access routes, safe walking pathways, and traffic calming measures shall be submitted with the final development plan for this Planned Unit Development.
  8. Adequate parking shall be provided and shown on the final development plan, and shall comply with the zoning ordinance.
  9. The number of parking stalls for the residents and guests shall be provided in accordance with the requirements set forth in the Zoning Ordinance for Multi-family development. The location of the residential parking shall be within a secured areas. Guest parking is not required to be located within the secured garage.
  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 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. In addition to the stipulations stated herein, the residential portions of the development shall comply with the Multiple-Family Development Standards and Design Guidelines, with the exception of the exterior finish of the buildings. This condition may be modified, waived, replaced or altered to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed use zoning ordinance amendment or other code requirements of the City, as adopted by the City Council upon submittal of a final development plan.
13. The overall design of the site and buildings shall comply with the Commercial Development Standards and Design Guidelines. This condition may be modified, waived, replaced or altered to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed use zoning ordinance amendment or other code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.
14. Commercial uses in this Planned Unit Development shall be only those allowed under the C-1, Neighborhood Commercial District as principally permitted uses, or as special uses subject to Title 17 § 24.020, with the exception that the following uses shall be prohibited from this Planned Unit Development:
  - a. Automobile washing establishments
  - b. Light equipment rental with exterior storage and display
  - c. Mini-warehousing
  - d. Mortuaries
  - e. Nurseries for the retail sale of plants and related materials
  - f. Secondhand dealers
  - g. Video arcades
  - h. Check cashing facilities
15. The number of multi-family dwelling units shall be limited to a maximum of 34.
16. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
17. Fire access lanes shall be designed in accordance with Fire Code requirements.
18. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
19. Approval of a traffic study update is required prior to submittal of the civil improvements plans.
20. Approval of a drainage study is required prior to submittal of the civil improvement plans.

21. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
22. 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.
23. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvements 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 improvements plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
24. The developer shall provide a three (3) to four (4) foot solid masonry wall within the twenty (20) foot landscape buffer area along the southern perimeter of the site. The masonry wall may also include wrought iron for a total wall height not to exceed six (6) feet.
25. The perimeter wall, installed within the twenty (20) foot landscape buffer area along the southern perimeter of the site by the developer, shall be painted with graffiti-resistant paint. The wall shall be repainted after every five (5) washings.
26. The developer shall provide 24-inch box trees, spaced at 15 feet on center, staggered front and back within the 20 foot landscape buffer area along the southern perimeter of the site. All other landscaping requirements shall be met in compliance with the Commercial Development Standards.

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating he concurred with Staff recommendation but would like Condition No. 2 deleted. A subsequent application for a proposed supper club would be before the Commission. There was also an application for a day care facility in the system but he did not want to accept a condition that stated they had to provide a 400 foot separation on the property itself as they believed you could independently look at the use permits as they came before the Commission. One was a supper club that would be heard tonight and the child care facility would be heard in the future.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt commended the applicant for adding a dog area to the plan and asked Tony Taylor of Parks and Recreation to get in touch with the gentleman who had been to City Council asking for a dog park and let him know something was in the works to provide something for dog owners. Mr. Taylor responded he had been in contact with that person and felt his concerns were taken care of.

Commissioner Leavitt also stated he understood Staff's concern regarding the parking and commended the developer for the additional parking because with restaurants it was needed and asked Staff how they felt regarding the deletion of Condition No. 2.

Mr. Jordan responded Staff would recommend that Condition No. 2 not be deleted because it was not a Title 17 requirement, but was a Title 5 requirement and a PUD should not be used to help circumvent Municipal Code requirements. Earlier on the agenda, the Commission considered a final development plan for a convenience store and the store was shown on the preliminary development plan and was also called out in the public hearing notice when it was considered; therefore, a special use permit was not required of that convenience store with gas pumps. In this case, this was a planned unit development that the day care center was not called out nor was the supper club called out, just the retail and the loft, so a use permit would be required of both items. As it was indicated on the preliminary development plan, the preliminary development should show compliance with other Municipal Code requirements, so Staff would still recommend that Condition No. 2 remain in place and asked for the City Attorney to comment on Title 5 requirements.

Nick Vaskov, Deputy City Attorney stated he agreed with Mr. Jordan and felt the development should be looked at as a whole and not in pieces as proposed by the applicant. That might help resolve the issue of whether the supper club and the day care facility were compatible.

Mr. Gronauer stated since they had to comply with Title 5, the condition could be amended to state they must comply with Title 5 requirements.

Mr. Jordan stated if Mr. Gronauer did not have a problem with it, then they would still recommend Condition No. 2 remain as written. Mr. Gronauer stated the way the condition was written, it was more restrictive as it stated the day care center and supper club could not both be on the property.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 2 AMENDED AND THE ADDITION OF CONDITION  
NO. 27 AS FOLLOWS:

2. THE APPLICANT WILL COMPLY WITH TITLE 5 REQUIREMENTS.

27. APPROPRIATE SUBDIVISION AND/OR PARCEL MAPPING IS REQUIRED TO CREATE THE PARCEL(S) AS PROPOSED. ALL MAPPING SHALL BE IN CONFORMANCE TO NRS CHAPTER 278 AND TITLE 16 OF THE NORTH LAS VEGAS MUNICIPAL CODE.

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

Vice-Chairman Jo Cato left Chambers at 8:00 p.m.

Vice-Chairman Cato returned to Chambers at 8:02 p.m.

25. **UN-99-05 (22649) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF SIMMONS 15, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT (PROPOSED PUD PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A SUPPER CLUB. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 200 FEET SOUTH OF CENTENNIAL PARKWAY AND APPROXIMATELY 200 FEET EAST OF SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-29-513-002. (CONTINUED OCTOBER 12 AND 26, AND NOVEMBER 9, 2005)**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending UN-99-05 be continued as the applicant could not demonstrate the separation requirement nor had the applicant submitted a floor plan demonstrating the project met the Title 5 requirements for a supper club. If the Commission desires approval, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. That the applicant must comply with the conditions of approval for ZN-78-05.
3. That this use permit is null and void if ZN-78-05 is not approved.
4. The use permit is site specific and non-transferrable.

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating this was a use permit for a supper club and the other use permits already submitted would be heard independently by the Commission. The floor plan was being finalized with a proposed user for the supper club and would like to add a condition, that the floor plan would have to come back before the Commission under a site plan review.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if Title 5 referenced existing, planned or permitted establishments when it referenced the proximity requirements regarding the sale of liquor. Nick Vaskov, Deputy City Attorney responded it was the City's interpretation that the day

care facility could come to the liquor establishment but not the other way around. This issue presents the problem of determining the intent of the code as a whole and he felt the intent was to keep the day care facilities separate from establishments who sold liquor but there was a quirk in the code that seemed to allow the applicant's request and felt the issue should be addressed on a review of the code and how it was applied and written.

Commissioner Brown did not see the interpretation as a quirk but as a way to protect an established day care facility and was in support of the application because there was not an existing day care facility.

Mr. Jordan stated normally use permits were not supposed to be a multi-step process and recommended rather than considering approving the item with a condition requiring the item to come back before the Commission, that it be continued as the planned unit development still needed to be forwarded to City Council.

Mr. Gronauer stated Title 5 required a certain floor to seating ratio with respect to the square footage, so regardless what was shown, they must comply with the Title 5 requirements.

Commissioner Brown asked Mr. Jordan if site plan review requirement could be added to the conditions of approval. Mr. Jordan responded if the use permit was approved, when the site plan came through, it could not be denied unless it did not comply; so, it might make more sense to go with the conditions listed in the Staff Report, which would require the applicant to come back to show Staff the floor plan was in compliance. The applicant also had to come back in front of the Commission with a final development plan as part of the PUD.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION:** Commissioner Brown

**SECOND:** Commissioner Shull

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

**NAYS:** Commissioners Leavitt and Carvalho

**ABSTAIN:** None

Commissioner Dean Leavitt left Chambers at 8:07 p.m.

**26. SPR-55-05 (22832) CENTENNIAL VILLAGE. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF ST. MARKS PLACE / LOSEE CENTER B LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT FOR NINE (9) OFFICE/RETAIL BUILDINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-24-401-001 AND 124-24-401-002. (CONTINUED OCTOBER 26 AND NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of SPR-55-05 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with all requirements of the Commercial Development Standards and Design Guidelines including landscaping, and pedestrian connectivity, except for
  - a. The proposed pharmacy may be oriented away from the corner.
3. The bank shall comply with the conditions of approval for UN-114-05.
4. The tavern shall comply with the conditions of approval for UN-86-01, including that the tavern shall be located in the approved location as depicted on the site plan submitted for UN-86-01.
5. The central drive aisle between Pad 6 and Pad 7 on the submitted site plan shall be constructed of a textured, dyed concrete, as approved by Staff.
6. The proposed full access driveway shall be located 660 feet from the intersection of losee Road and Centennial Parkway; otherwise the driveway shall be right in/right out.
7. Approval of a drainage study is required prior to submittal fo the civil improvement plans.
8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.

9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. 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.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Losee Road.
12. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Centennial Parkway and Losee Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Losee Road near Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
14. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
  - a. Centennial Parkway
  - b. Losee Road
  - c. Rome Boulevard
15. The Rome Boulevard geometrics may be required to be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
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. The property owner is required to grant a roadway easement for commercial driveway(s)
18. The property owner is required to grant a pedestrian access easement for sidewalks located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.

19. A revocable encroachment permit for landscaping within the public right of way is required.
20. 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.
21. The property owner is required to sign a restrictive covenant for utilities.
22. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
23. All off-site improvements must be completed prior to final inspection of the first building.
24. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code
25. The site plan shall be revised to add a sidewalk on a minimum of one side of each drive aisle access way from Losee Road and Centennial Parkway to Pad 10.
26. The proposed convenience food restaurant shall be replaced with a retail building.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant stating he concurred with Staff recommendation with the exception of Condition No. 6. He asked that it be amended to add the wording, "or as approved by the Public Works Director of Traffic Engineer.

Clete Kus of Public Works stated the Public Works Department was agreeable to the requested change.

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

6. THE PROPOSED FULL ACCESS DRIVEWAY SHALL BE LOCATED 660 FEET FROM THE INTERSECTION OF LOSEE ROAD AND CENTENNIAL PARKWAY; OTHERWISE THE DRIVEWAY SHALL BE RIGHT IN/RIGHT OUT, OR AS APPROVED BY THE PUBLIC WORKS TRAFFIC ENGINEER.

MOTION: Commissioner Shull  
SECOND: Vice-Chairman Cato

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

**Item No. 26 was reopened.**

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** stated in the Staff Report there was an indication of supporting the waiver for the pharmacy but no support for the bank and asked that the plan showing the set-back for the bank be approved. The waiver was needed to provide for the bank drive-thru.

ACTION: WAIVER APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 30 was heard next.**

**27. UN-114-05 (22850) CENTENNIAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF CENTENNIAL LOSEE CENTER, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (BANK WITH DRIVE-THRU). THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF LOSEE ROAD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-24-401-001. (CONTINUED OCTOBER 26 AND NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of UN-114-05 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. UN-114-05 is site specific and non-transferable.
3. UN-114-05 shall comply with the conditions of approval for SPR-55-05.
4. The approval for UN-114-05 shall be limited to a bank as regulated by the Federal Government.
5. Fire access lanes shall be marked to prohibit parking in accordance with the Dire Code.

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

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION: Commissioner Shull**

**SECOND: Vice-Chairman Cato**

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

**NAYS: None**

**ABSTAIN: None**

- 28. AMP-58-05 (22882) INTEGRITY TOWNHOMES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INTEGRITY PROPERTY SOLUTIONS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LIGHT INDUSTRIAL TO HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-401-010. (CONTINUED NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending AMP-58-05 be continued to allow the application for AMP-63-05 to move forward through the City Council process, so the application could be heard as proposed.

**Dennis Rusk, Architect, 3960 E. Patrick Lane #203, Las Vegas, NV 89120** appeared on behalf of the applicant requesting a continuance to December 28, 2005.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

**Tiffany Shorter, 305 Princess Avenue, North Las Vegas, NV 89030** stated she was opposed to townhomes being built on the property as the density was too high.

**Arnette Moore, 308 Princess Avenue, North Las Vegas, NV 89030** and **EI C. Kennedy, 300 Princess Avenue, North Las Vegas, NV 89030** submitted cards in opposition, but were not present for the hearing.

**Pat Harris, 328 Duke Avenue, North Las Vegas, NV 89030** stated she was opposed to a high density project on the proposed site.

Chairman Aston stated the Public Hearing would remain open.

Chairman Aston did not feel it was a good idea to go from low density to high density with no transition and was not in support of the application.

Commissioner Steve Brown also stated the density was too high and asked the applicant if he would consider a lower density. Mr. Rusk responded he had asked for a continuance to allow him time to meet with the neighbors to discuss their concerns and bring something back to the Commission which would be compatible to Staff, the neighbors, and his client.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Shull

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

29. **ZN-84-05 (22887) INTEGRITY TOWNHOMES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INTEGRITY PROPERTY SOLUTIONS, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 38 TOWNHOUSES. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-401-010. (CONTINUED NOVEMBER 9, 2005)**

**Dennis Rusk, Architect, 3960 E. Patrick Lane #203, Las Vegas, NV 89120** appeared on behalf of the applicant requesting a continuance to December 28, 2005.

Chairman Jay Aston opened the Public Hearing. The following participants came forward:

**Tiffany Shorter, 305 Princess Avenue, North Las Vegas, NV 89030** stated she was opposed to townhomes being built on the property as the density was too high.

**Arnette Moore, 308 Princess Avenue, North Las Vegas, NV 89030** and **El C. Kennedy, 300 Princess Avenue, North Las Vegas, NV 89030** submitted cards in opposition, but were not present for the hearing.

**Pat Harris, 328 Duke Avenue, North Las Vegas, NV 89030** stated she was opposed to a high density project on the proposed site.

Chairman Aston stated the Public Hearing would remain open.

ACTION: CONTINUED TO DECEMBER 28, 2005

MOTION: Commissioner Shull

SECOND: Vice-Chairman Cato

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

NAYS: None

ABSTAIN: None

There was a break in proceedings at 8:25 p.m.

The meeting reconvened at 8:44 p.m.

Commissioner Dean Leavitt returned to Chambers at 8:44 p.m.

**Chairman Jay Aston reopened Item No. 26.**

**30. FDP-26-05 (23027) LOSEE PLAZA. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF ANN LOSEE PAD LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A 15,766 SQUARE FOOT COMMERCIAL DEVELOPMENT. THE PROPERTY IS LOCATED SOUTHWEST CORNER OF ANN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-802-010. (CONTINUED NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of FDP-26-05 subject to conditions listed in memo dated November 22, 2005 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, the development shall comply with all applicable codes and ordinances.
2. That the development comply with all conditions of approval of ZN-35-03.
3. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to a six (6) foot wide landscape island provided within each parking row for every 15 parking spaces contained within a row and at the end of each parking row.
4. That the 20-foot area between the parking area and Shops "A" and "B" be provided with stamped concrete, subject to staff review and approval.
5. That all parking islands shall be landscaped in compliance with the Commercial Development Standards and Design Guidelines.
6. Fire access lanes shall be designed in accordance with the Fire Code requirements.
7. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

10. 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.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. 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.
13. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with a minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. 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.
16. A revocable encroachment permit for landscaping within the public right of way is required.
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. The property owner is required to sign a restrictive covenant for utilities.
19. Complete intersection improvements at Ann Road and Losee Road must be constructed with this development.
20. Show the limits of the Federal Emergency Management Agency Special Flood hazard Area Zone A on the tentative map.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

31. **UN-121-05 (23032) LOSEE PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF ANN LOSEE PAD, 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 SOUTHWEST CORNER OF ANN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-802-010. (CONTINUED NOVEMBER 9, 2005)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of UN-121-05 subject to the conditions listed in memo dated November 22, 2005 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That all conditions of approval for ZN-35-03 and FDP-26-05 shall apply.

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

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

32. **ZN-87-05 (23002) INTERNATIONAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF CAREFREE HOLDINGS, LP, 5440 W. SAHARA, LLC, ZOMACK 1, LLC, AND D'NAL 3, LLC, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 158 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 800 FEET NORTHEAST OF THE INTERSECTION OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-501-005, 139-07-510-029 THRU -036, 139-07-510-047 THRU -056, 139-07-510-058 THRU -059, 139-07-601-010, 139-07-603-001, 139-07-610-056 THRU -065, 139-07-610-071 THRU -081, 139-07-610-083 THRU -085, AND 139-07-610-088. (CONTINUED NOVEMBER 9, 2005)**

Chairman Jay Aston stated he would be abstaining on this item as the Company he worked for was involved in the application.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-87-05 subject to the conditions listed in memo dated November 22, 2005 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 setbacks for this planned unit development shall be consistent with the R-1, Single Family Residential District.
3. The submitted elevations and landscape plans shall be considered "conceptual" and are not binding. The City reserves the right to provide detailed comments on these items until such time that the applicable building permit applications are submitted through the Permit Application Center.
4. The minimum residential lot size for this planned unit development shall be 4,500 square feet.
5. This planned unit development shall not exceed 158 dwelling units.
6. This planned unit development shall comply with the single Family Development Standards, including:
  - a. Ten (10) feet of corner/side lot landscaping (which may include sidewalk) shall be provided adjacent to all local streets.

7. All required open space areas shall be labeled as common elements and be maintained by the homeowners association.
8. A minimum of 2.6 acres of open space shall be provided with a minimum dimension of twenty (20) feet on a side or chord of an arc.
9. End walls shall be owned and maintained by the homeowners association.
10. The developer shall disclose to prospective home buyers that corner side yard landscape areas are reserved exclusively for landscaping.
11. The developer shall create a master homeowners association to include all property in the International Village development (T-1224, T-1225 and ZN-87-05) with the responsibility for maintenance of common elements and landscaping areas shown on the submitted preliminary development plan that are not specifically reserved for the use of residents of this planned unit development. Provisions and enforcement of such shall be provided for within the CC&R's.
12. The developer shall be responsible for providing landscaping on the north and south side of Buckhorn. Landscaping shall be the responsibility of the homeowners association. Provisions and enforcement of such shall be provided for within the CC&R's.
13. The developer shall be responsible for providing chicanes in Austin Bay, and will be responsible for landscaping the chicanes, as approved by staff. Landscaping shall be the responsibility of the homeowners association. Provisions and enforcement of such shall be provided for within the CC&R's.
14. Measures to achieve a noise level reduction, outdoor to indoor, of 25 decibels must be incorporated into the design and construction.
15. A minimum of two means of Fire Department access is required into this development.
16. At a minimum, the following list of amenities shall be provided within the open space:
  - a. Circuitous lighted paths
  - b. A minimum of 20 24-inch box trees per acre
  - c. At least two differing age appropriate IPEMA approved play structures for children (ref: ASTM Playground Equipment for Public use, sec. 6.2-6.3) with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada.

- d. At least one large grassy open space area for group/organized play, with drinking fountain
  - e. One large group shade area/gazebo (30-foot diameter), lighted
  - f. Picnic tables and barbeque grills
  - g. Benches spaced along park pathways
  - h. Dog Stations
  - i. Details of amenities to be provided
17. Construction of the Developed Open Space is to be started no later than the issuance of the 53<sup>rd</sup> building permit, and completed upon the issuance of the 105<sup>th</sup> building permit.
  18. Approval of this application and site plan is contingent upon vacations that have not been approved or submitted at this time. Should the applicant not acquire approval of the subject vacations, modifications to the Preliminary Development Plan may be required.
  19. The vacations required to complete this project must be approved, if deemed appropriate, by the Planning Commission upon or prior to approval of the Tentative Map.
  20. 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.
  21. Approval of a drainage study is required prior to submittal of the civil improvement plans.
  22. 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.
  23. 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.
  24. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.

25. Approval of a traffic study is required prior to submittal of the civil improvement plans.
26. All common elements shall be labeled and are to be maintained by the Home Owners Association.
27. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
28. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
29. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
30. A revocable encroachment permit for landscaping within the public right of way is required.
31. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
32. Proposed residential driveway slopes shall not exceed twelve percent (12%).
33. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
34. Right-of-way dedication and construction of a CAT bus turn-out is required on Valley Drive near Gowan Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
35. Adjacent to any eighty (80) foot right-of-way, a common lot and/or landscape and pedestrian access easement, with a minimum width of five (5) feet, shall be provided behind the required bus turn-out.
36. A construction phasing plan, depicting onsite development and supporting offsite improvements, as well as construction access routes, shall be provided by the developer. Approval by the Department of Public Works is required prior to the issuance of any permits.
37. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.

38. This development shall comply with NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
39. The final development plan shall provide details of the open space/park areas showing landscaping, amenities, boundaries and calculated square footage.

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating he would present Item Nos. 32 through 36 together. He stated the property was bounded by Gowan Road to the south, Alexander road to the north, Allen Lane to the east and Valley Drive to the west. When traveling through the area, all four streets were 80 foot rights-of-ways, which meant there would be a lot of traffic coming through the area. The property encompassed approximately 84 acres, which was comprised of in-fill parcels. Ryland Homes wanted to build a community that had some transitional zoning and would bring in various products from other areas of the Las Vegas Valley. They were trying to accomplish transitional zoning, from the south to the north, the density would increase. Part of the property was currently zoned R-1 which would typically have 6,000 square foot lots. That portion encompassed approximately 26 acres of the property, which was approximately 4.5 dwelling units per acre, which would buffer some of the existing homes that were adjacent to Allen Lane, Gowan Road and Valley Drive. Two weeks ago, a master plan amendment was approved to change a portion of the site from low density to medium low density, which allowed up to six units per acre. The application was continued to allow the applicant to address Staff's comments on the application. The PUD application, which was requesting 4500 square foot lots, which was a density of 5.4 units per acre. The application was now in conformance with the Amendment to the Master Plan that was previously approved. Staff was recommending approval of Item No. 32, ZN-87-05. Item No. 33, AMP-62-05 was an amendment to the Master Plan to allow for a medium density on a portion of the site, which helped support the transitional density as you went from the south on Gown Road to the north on Alexander Road because now there were 4.5 dwelling units per acre, 5.4 dwelling units per acre and then coming in with the z-lots which were 7.9 dwelling units per acre. The density was gradually being increased in small increments. They clarified to the neighbors that the cost of the z-lots was more than the PUD's with the 4500 square foot lots. By having different products on the site, a community was being created which would have families with different income levels living within the community. Mr. Gronauer stated at the neighborhood meeting one of the neighbors stated he understood the buffering but was concerned about what was being put in an area that was master planned medium density, which allowed 10 units per acre, but would feel more comfortable knowing what product was planned for that area. Mr. Gronauer stated on Item No. 33, AMP-2-05, they considered withdrawing the application or holding it; but, he felt if it were approved for medium density, the neighbors would still be protected. Item No. 34, ZN-88-05, was the zone change to R-2, which was for a z-lot product. Item No. 35, T-1225 and Item No. 36, T-1224 were tentative maps, but he stated they could be continued, so

the area could be mapped, because the tentative map would need to be amended and asked to be allowed to move forward with Item No. 32, Item No. 33, and Item No. 34 and continued Item Nos. 35 and 36 for two weeks to address some of the concerns of the neighbors.

Vice-Chairman Jo Cato opened the Public Hearing. The following participants came forward:

**Wayne Leposavic, 2877 Paradise Road #2001, Las Vegas, NV 89109** stated he did not receive a public hearing notice due to an error in his address with the County Assessor's Office. He had one lot in the area and would be surrounded by the proposed development and asked for an access at the rear of his property so he could subdivide into four lots.

Vice-Chairman Cato asked if the lot Mr. Leposavic was speaking about was within the proposed project or outside of it. Marc Jordan, Planning Manager responded there were a few lots owned by different owners and were not a part of the project.

**Doug Wood, 4108 Bola Drive, North Las Vegas, NV 89030** stated he was opposed to the project. The residents had been trying for seven years to keep the neighborhood as it was. The Carefree project on the north border was zoned PUD via low density and received a density bump because under federal guidelines they were a senior housing project and were assured that was never going to be used to set a precedent for high density zoning. The proposed project was supposed to be a community but there were three separate zoning requests, which was not a complete community but should have been a PUD with one density averaging.

**Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032** thanked Ryland Homes and Mr. Gronauer for meeting with the community. There were two key issues that came from the meeting. The first was that there was considerable concern about the lack of any idea of what was going on with the fourth parcel. The consensus from the community was that as long as it was a detached product, they were comfortable with the applications. The idea that there might be townhomes or some kind of attached product was of major concern. The second issue was that if the community were built with a PUD, Staff could condition it to protect both the residents and, at the request of the residents, when they want to ensure the commitments the applicant had made, the residents could ask for conditions to be added and also Staff could ask for conditions to be added. The site plan and tentative maps under a PUD are tied to the application. With separate applications for R-2, the tentative maps were not a public hearing, and once the applicant was granted R-2 zoning, even though they had promised the residents a particular product, they could change it at any time. On the negative side, if the proposed project was not a planned unit development, the R-2 applications did not meet the zoning ordinance, as the project was not at the intersection of two 100 foot right-of-ways, was not near regional or community

commercial, and staff had concerns about the project. Even though Staff was supporting the applications, they were done so because of the approval that was given two weeks ago. In the Staff Report two weeks ago, Staff stated, "While Staff does not object to the development pattern proposed in the International Village Development applications, Staff believes that the approval of the fragmented zoning involved with the International Village applications will set an undesirable precedent for future development proposals. Staff believes that the best mechanism in the zoning ordinance to accomplish what the applicant desires for International Village, is the Planned Unit Development District. Therefore, Staff must object to the zone reclassification request. The Planning and Development Department recommends that ZN-88-05 be denied." She feared the applicant was going for individual zoning to be able to put townhomes on one of the parcels.

**Martha Slack, 3917 Arrow Brook Way, North Las Vegas, NV 89032** stated she was concerned about the proposed project and supported development but did not support something that was blind siding her and she felt part of the proposed project would be townhomes and was opposed to the applications.

Vice-Chairman Cato closed the Public Hearing.

Mr. Gronauer stated the project had many challenges over the years. No matter how the project was designed, there was a municipal zoning code that the applicant had to comply with to protect the neighboring areas. These applications were submitted by a builder who had spent over a year trying to assemble the properties. He understood the concerns of the neighbors but nothing was 100% guaranteed. He felt the mixture worked, was appropriate and they provided the transitional buffering from the south to the north. The tentative maps were being held to address some of the neighbors' concerns. The overall density was approximately 6.8 dwelling units per acre. Considering the different densities on the project, they felt that was reasonable for the overall site.

Commissioner Dean Leavitt asked Mr. Laposavic if his property was one or two parcels. Mr. Laposavic responded it was one parcel. Commissioner Leavitt asked Mr. Gronauer when his client was in the process of assembling the parcels, if all the property owners were contacted about participating in the project. Mr. Gronauer responded it was his understanding that either the landowners or brokers were contacted but he was not sure.

Commissioner Dilip Trivedi thanked Ryland Homes and KKB&R for holding the neighborhood meeting and listening to the neighbors' comments. He was in support of the transitional zoning as presented by the applicant but was concerned about the exit on Gowan Road and was not sure about the property next to Carefree Homes. He asked how much of a loss it would be for the applicant to go to a PUD on those lots. Mr. Gronauer responded it depended on what the product line would be. The applicant was looking at a couple of different products and depending on the product and the size of the property,

a PUD might be the best route to take. Commissioner Trivedi asked about the exit on Gowan Road. Mr. Gronauer responded the exit on Gowan Road may be a possibility but one of the problems was the access may be restricted to right turn in/right turn out, but it could be addressed with the Traffic Study. Commissioner Trivedi asked Staff if they had any comments. Cleve Kus of Public Works responded until the traffic study was received, they could not answer the question of adequacy regarding the two ingress and egress points currently proposed. With respect to an access point on Gowan Road, the possibility exists that the middle cul-de-sac could be extended so that another ingress and egress point could be established and it appeared that, in doing so, it would be a full access without any restrictions, i.e., right turn-in/right turn-out only and still meet the spacing requirements with the adjacent streets to the south on Gowan Road.

Mr. Gronauer stated the access was also something that could be addressed on the tentative map.

Commissioner Trivedi stated he would not be opposed to the overall density of 6.8 units per acre as proposed by the applicant. At the neighborhood meeting, a water park was mentioned and asked if it was still part of the plan. Mr. Gronauer responded it was.

Commissioner Angelo Carvalho asked if there was anything that could be done to give Mr. Leposavic a second access to his property. Mr. Gronauer responded it could be looked at. He had been given legal access, but he only had one means of access to begin with.

Commissioner Steve Brown asked Mr. Leposavic if he had been contacted regarding having his property incorporated into the proposed project. Mr. Leposavic responded he had been contacted, but he wanted to subdivide his property. Commissioner Brown asked Staff if that could be accomplished. Mr. Jordan responded Mr. Leposavic's property could not be subdivided as he would need to meet the minimum lot size requirements of an R-1 District, which was 6,000 square feet. Commissioner Brown explained to Mr. Leposavic that access to the rear of his property would not be useful because he could not subdivide into the same kind of division as the applicant. Commissioner Brown also stated he was concerned about a couple of comments made indicating there was island zoning and that the development did not meet code and asked Staff to address that. Mr. Jordan responded when Staff looked at the project, they were looking at it as transitional zoning, with the Planned Unit Development of Carefree Villas being developed at approximately a maximum of 10.5 units per acre with the medium density proposed next to it, 10 with a transition from 10.5 to 10 and then with the medium low going down to 6 and another transition to low density, which would be 4.5. When all that was taken into consideration, it did not meet all the guidelines but they were guidelines and the zoning was viewed as transitional. Commissioner Brown stated he would have liked the whole project to be one PUD but was in support.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

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

33. AMP-62-05 (22990) INTERNATIONAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF KEN TEMPLETON, CAREFREE HOLDINGS, LP, 5440 W. SAHARA, LLC, ZOMACK 1, LLC, AND D'NAL 3, LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 2200 FEET NORTHEAST OF THE INTERSECTION OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-501-006, 139-07-510-026 THRU -030, 139-07-510-035 THRU -040, 139-07-510-043 THRU -044, 139-07-510-046 THRU -047, 139-07-510-054 THRU -060, 139-07-510-065, 139-07-602-003, 139-07-603-001, 139-07-610-044 THRU -052, AND 139-07-610-056 THRU -066. (CONTINUED NOVEMBER 9, 2005)

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating he would present Item Nos. 32 through 36 together. He stated the property was bounded by Gowan Road to the south, Alexander road to the north, Allen Lane to the east and Valley Drive to the west. When traveling through the area, all four streets were 80 foot rights-of-ways, which meant there would be a lot of traffic coming through the area. The property encompassed approximately 84 acres, which was comprised of in-fill parcels. Ryland Homes wanted to build a community that had some transitional zoning and would bring in various products from other areas of the Las Vegas Valley. They were trying to accomplish transitional zoning, from the south to the north, the density would increase. Part of the property was currently zoned R-1 which would typically have 6,000 square foot lots. That portion encompassed approximately 26 acres of the property, which was approximately 4.5 dwelling units per acre, which would buffer some of the existing homes that were adjacent to Allen Lane, Gowan Road and Valley Drive. Two weeks ago, a master plan amendment was approved to change a portion of the site from low density to medium low density, which allowed up to six units per acre. The application was continued to allow the applicant to address Staff's comments on the application. The PUD application, which was requesting 4500 square foot lots, which was a density of 5.4 units per acre. The application was now in conformance with the Amendment to the Master Plan that was previously approved. Staff was recommending approval of Item No. 32, ZN-87-05. Item No. 33, AMP-62-05 was an amendment to the Master Plan to allow for a medium density on a portion of the site, which helped support the transitional density as you went from the south on Gowan Road to the north on Alexander Road because now there were 4.5 dwelling units per acre, 5.4 dwelling units per acre and then coming in with the z-lots which were 7.9 dwelling units per acre. The density was gradually being increased in small increments. They clarified to the neighbors that the cost of the z-lots was more than the PUD's with the

4500 square foot lots. By having different products on the site, a community was being created which would have families with different income levels living within the community. Mr. Gronauer stated at the neighborhood meeting one of the neighbors stated he understood the buffering but was concerned about what was being put in an area that was master planned medium density, which allowed 10 units per acre, but would feel more comfortable knowing what product was planned for that area. Mr. Gronauer stated on Item No. 33, AMP-2-05, they considered withdrawing the application or holding it; but, he felt if it were approved for medium density, the neighbors would still be protected. Item No. 34, ZN-88-05, was the zone change to R-2, which was for a z-lot product. Item No. 35, T-1225 and Item No. 36, T-1224 were tentative maps, but he stated they could be continued, so the area could be mapped, because the tentative map would need to be amended and asked to be allowed to move forward with Item No. 32, Item No. 33, and Item No. 34 and continued Item Nos. 35 and 36 for two weeks to address some of the concerns of the neighbors.

Vice-Chairman Jo Cato opened the Public Hearing. The following participants came forward:

**Wayne Lepasovic, 2877 Paradise Road #2001, Las Vegas, NV 89109** stated he did not receive a public hearing notice due to an error in his address with the County Assessor's Office. He had one lot in the area and would be surrounded by the proposed development and asked for an access at the rear of his property so he could subdivide into four lots.

Vice-Chairman Cato asked if the lot Mr. Lepasovic was speaking about was within the proposed project or outside of it. Marc Jordan, Planning Manager responded there were a few lots owned by different owners and were not a part of the project.

**Doug Wood, 4108 Bola Drive, North Las Vegas, NV 89030** stated he was opposed to the project. The residents had been trying for seven years to keep the neighborhood as it was. The Carefree project on the north border was zoned PUD via low density and received a density bump because under federal guidelines they were a senior housing project and were assured that was never going to be used to set a precedent for high density zoning. The proposed project was supposed to be a community but there were three separate zoning requests, which was not a complete community but should have been a PUD with one density averaging.

**Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032** thanked Ryland Homes and Mr. Gronauer for meeting with the community. There were two key issues that came from the meeting. The first was that there was considerable concern about the lack of any idea of what was going on with the fourth parcel. The consensus from the community was that as long as it was a detached product, they were comfortable with the applications. The idea that there might be townhomes or some kind of attached product was of major

concern. The second issue was that if the community were built with a PUD, Staff could condition it to protect both the residents and, at the request of the residents, when they want to ensure the commitments the applicant had made, the residents could ask for conditions to be added and also Staff could ask for conditions to be added. The site plan and tentative maps under a PUD are tied to the application. With separate applications for R-2, the tentative maps were not a public hearing, and once the applicant was granted R-2 zoning, even though they had promised the residents a particular product, they could change it at any time. On the negative side, if the proposed project was not a planned unit development, the R-2 applications did not meet the zoning ordinance, as the project was not at the intersection of two 100 foot right-of-ways, was not near regional or community commercial, and staff had concerns about the project. Even though Staff was supporting the applications, they were done so because of the approval that was given two weeks ago. In the Staff Report two weeks ago, Staff stated, "While Staff does not object to the development pattern proposed in the International Village Development applications, Staff believes that the approval of the fragmented zoning involved with the International Village applications will set an undesirable precedent for future development proposals. Staff believes that the best mechanism in the zoning ordinance to accomplish what the applicant desires for International Village, is the Planned Unit Development District. Therefore, Staff must object to the zone reclassification request. The Planning and Development Department recommends that ZN-88-05 be denied." She feared the applicant was going for individual zoning to be able to put townhomes on one of the parcels.

**Martha Slack, 3917 Arrow Brook Way, North Las Vegas, NV 89032** stated she was concerned about the proposed project and supported development but did not support something that was blind siding her and she felt part of the proposed project would be townhomes and was opposed to the applications.

Vice-Chairman Cato closed the Public Hearing.

Mr. Gronauer stated the project had many challenges over the years. No matter how the project was designed, there was a municipal zoning code that the applicant had to comply with to protect the neighboring areas. These applications were submitted by a builder who had spent over a year trying to assemble the properties. He understood the concerns of the neighbors but nothing was 100% guaranteed. He felt the mixture worked, was appropriate and they provided the transitional buffering from the south to the north. The tentative maps were being held to address some of the neighbors' concerns. The overall density was approximately 6.8 dwelling units per acre. Considering the different densities on the project, they felt that was reasonable for the overall site.

Commissioner Dean Leavitt asked Mr. Leposavic if his property was one or two parcels. Mr. Leposavic responded it was one parcel. Commissioner Leavitt asked Mr. Gronauer when his client was in the process of assembling the parcels, if all the property owners were contacted about participating in the project. Mr. Gronauer responded it was his understanding that either the landowners or brokers were contacted but he was not sure.

Commissioner Dilip Trivedi thanked Ryland Homes and KKB&R for holding the neighborhood meeting and listening to the neighbors' comments. He was in support of the transitional zoning as presented by the applicant but was concerned about the exit on Gowan Road and was not sure about the property next to Carefree Homes. He asked how much of a loss it would be for the applicant to go to a PUD on those lots. Mr. Gronauer responded it depended on what the product line would be. The applicant was looking at a couple of different products and depending on the product and the size of the property, a PUD might be the best route to take. Commissioner Trivedi asked about the exit on Gowan Road. Mr. Gronauer responded the exit on Gowan Road may be a possibility but one of the problems was the access may be restricted to right turn in/right turn out, but it could be addressed with the Traffic Study. Commissioner Trivedi asked Staff if they had any comments. Cleve Kus of Public Works responded until the traffic study was received, they could not answer the question of adequacy regarding the two ingress and egress points currently proposed. With respect to an access point on Gowan Road, the possibility exists that the middle cul-de-sac could be extended so that another ingress and egress point could be established and it appeared that, in doing so, it would be a full access without any restrictions, i.e., right turn-in/right turn-out only and still meet the spacing requirements with the adjacent streets to the south on Gowan Road.

Mr. Gronauer stated the access was also something that could be addressed on the tentative map.

Commissioner Trivedi stated he would not be opposed to the overall density of 6.8 units per acre as proposed by the applicant. At the neighborhood meeting, a water park was mentioned and asked if it was still part of the plan. Mr. Gronauer responded it was.

Commissioner Angelo Carvalho asked if there was anything that could be done to give Mr. Leposavic a second access to his property. Mr. Gronauer responded it could be looked at. He had been given legal access, but he only had one means of access to begin with.

Commissioner Steve Brown asked Mr. Leposavic if he had been contacted regarding having his property incorporated into the proposed project. Mr. Leposavic responded he had been contacted, but he wanted to subdivide his property. Commissioner Brown asked Staff if that could be accomplished. Mr. Jordan responded Mr. Leposavic's property could not be subdivided as he would need to meet the minimum lot size requirements of an R-1 District, which was 6,000 square feet. Commissioner Brown explained to Mr. Leposavic that access to the rear of his property would not be useful because he could not subdivide into the same kind of division as the applicant. Commissioner Brown also stated he was concerned about a couple of comments made indicating there was island zoning and that the development did not meet code and asked Staff to address that. Mr. Jordan responded when Staff looked at the project, they were looking at it as transitional zoning, with the Planned Unit Development of Carefree Villas being developed at approximately a maximum

of 10.5 units per acre with the medium density proposed next to it, 10 with a transition from 10.5 to 10 and then with the medium low going down to 6 and another transition to low density, which would be 4.5. When all that was taken into consideration, it did not meet all the guidelines but they were guidelines and the zoning was viewed as transitional. Commissioner Brown stated he would have liked the whole project to be one PUD but was in support.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** Chairman Aston

34. **ZN-88-05 (23006) INTERNATIONAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF KEN TEMPLETON, CAREFREE HOLDINGS, LP, 5440 W. SAHARA, LLC, ZOMACK 1, LLC, AND D'NAL 3, LLC, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT AND AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 2200 FEET NORTHEAST OF THE INTERSECTION OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-501-006, 139-07-510-026 THRU -030, 139-07-510-035 THRU -040, 139-07-510-043 THRU -044, 139-07-510-046 THRU -047, 139-07-510-054 THRU -060, 139-07-510-065, 139-07-602-003, 139-07-603-001, 139-07-610-044 THRU -052, AND 139-07-610-056 THRU -066. (CONTINUED NOVEMBER 9, 2005)**

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating he would present Item Nos. 32 through 36 together. He stated the property was bounded by Gowan Road to the south, Alexander road to the north, Allen Lane to the east and Valley Drive to the west. When traveling through the area, all four streets were 80 foot rights-of-ways, which meant there would be a lot of traffic coming through the area. The property encompassed approximately 84 acres, which was comprised of in-fill parcels. Ryland Homes wanted to build a community that had some transitional zoning and would bring in various products from other areas of the Las Vegas Valley. They were trying to accomplish transitional zoning, from the south to the north, the density would increase. Part of the property was currently zoned R-1 which would typically have 6,000 square foot lots. That portion encompassed approximately 26 acres of the property, which was approximately 4.5 dwelling units per acre, which would buffer some of the existing homes that were adjacent to Allen Lane, Gowan Road and Valley Drive. Two weeks ago, a master plan amendment was approved to change a portion of the site from low density to medium low density, which allowed up to six units per acre. The application was continued to allow the applicant to address Staff's comments on the application. The PUD application, which was requesting 4500 square foot lots, which was a density of 5.4 units per acre. The application was now in conformance with the Amendment to the Master Plan that was previously approved. Staff was recommending approval of Item No. 32, ZN-87-05. Item No. 33, AMP-62-05 was an amendment to the Master Plan to allow for a medium density on a portion of the site, which helped support the transitional density as you went from the south on Gowan Road to the north on Alexander Road because now there were 4.5 dwelling units per acre, 5.4 dwelling units per acre and then coming in with the z-lots which were 7.9 dwelling units per acre. The density was gradually being increased in small increments. They clarified to the neighbors that the cost of the z-lots was more than the PUD's with the

4500 square foot lots. By having different products on the site, a community was being created which would have families with different income levels living within the community. Mr. Gronauer stated at the neighborhood meeting one of the neighbors stated he understood the buffering but was concerned about what was being put in an area that was master planned medium density, which allowed 10 units per acre, but would feel more comfortable knowing what product was planned for that area. Mr. Gronauer stated on Item No. 33, AMP-2-05, they considered withdrawing the application or holding it; but, he felt if it were approved for medium density, the neighbors would still be protected. Item No. 34, ZN-88-05, was the zone change to R-2, which was for a z-lot product. Item No. 35, T-1225 and Item No. 36, T-1224 were tentative maps, but he stated they could be continued, so the area could be mapped, because the tentative map would need to be amended and asked to be allowed to move forward with Item No. 32, Item No. 33, and Item No. 34 and continued Item Nos. 35 and 36 for two weeks to address some of the concerns of the neighbors.

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**Wayne Leposavic, 2877 Paradise Road #2001, Las Vegas, NV 89109** stated he did not receive a public hearing notice due to an error in his address with the County Assessor's Office. He had one lot in the area and would be surrounded by the proposed development and asked for an access at the rear of his property so he could subdivide into four lots.

Vice-Chairman Cato asked if the lot Mr. Leposavic was speaking about was within the proposed project or outside of it. Marc Jordan, Planning Manager responded there were a few lots owned by different owners and were not a part of the project.

**Doug Wood, 4108 Bola Drive, North Las Vegas, NV 89030** stated he was opposed to the project. The residents had been trying for seven years to keep the neighborhood as it was. The Carefree project on the north border was zoned PUD via low density and received a density bump because under federal guidelines they were a senior housing project and were assured that was never going to be used to set a precedent for high density zoning. The proposed project was supposed to be a community but there were three separate zoning requests, which was not a complete community but should have been a PUD with one density averaging.

**Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032** thanked Ryland Homes and Mr. Gronauer for meeting with the community. There were two key issues that came from the meeting. The first was that there was considerable concern about the lack of any idea of what was going on with the fourth parcel. The consensus from the community was that as long as it was a detached product, they were comfortable with the applications. The idea that there might be townhomes or some kind of attached product was of major

concern. The second issue was that if the community were built with a PUD, Staff could condition it to protect both the residents and, at the request of the residents, when they want to ensure the commitments the applicant had made, the residents could ask for conditions to be added and also Staff could ask for conditions to be added. The site plan and tentative maps under a PUD are tied to the application. With separate applications for R-2, the tentative maps were not a public hearing, and once the applicant was granted R-2 zoning, even though they had promised the residents a particular product, they could change it at any time. On the negative side, if the proposed project was not a planned unit development, the R-2 applications did not meet the zoning ordinance, as the project was not at the intersection of two 100 foot right-of-ways, was not near regional or community commercial, and staff had concerns about the project. Even though Staff was supporting the applications, they were done so because of the approval that was given two weeks ago. In the Staff Report two weeks ago, Staff stated, "While Staff does not object to the development pattern proposed in the International Village Development applications, Staff believes that the approval of the fragmented zoning involved with the International Village applications will set an undesirable precedent for future development proposals. Staff believes that the best mechanism in the zoning ordinance to accomplish what the applicant desires for International Village, is the Planned Unit Development District. Therefore, Staff must object to the zone reclassification request. The Planning and Development Department recommends that ZN-88-05 be denied." She feared the applicant was going for individual zoning to be able to put townhomes on one of the parcels.

**Martha Slack, 3917 Arrow Brook Way, North Las Vegas, NV 89032** stated she was concerned about the proposed project and supported development but did not support something that was blind siding her and she felt part of the proposed project would be townhomes and was opposed to the applications.

Vice-Chairman Cato closed the Public Hearing.

Mr. Gronauer stated the project had many challenges over the years. No matter how the project was designed, there was a municipal zoning code that the applicant had to comply with to protect the neighboring areas. These applications were submitted by a builder who had spent over a year trying to assemble the properties. He understood the concerns of the neighbors but nothing was 100% guaranteed. He felt the mixture worked, was appropriate and they provided the transitional buffering from the south to the north. The tentative maps were being held to address some of the neighbors' concerns. The overall density was approximately 6.8 dwelling units per acre. Considering the different densities on the project, they felt that was reasonable for the overall site.

Commissioner Dean Leavitt asked Mr. Leposavic if his property was one or two parcels. Mr. Leposavic responded it was one parcel. Commissioner Leavitt asked Mr. Gronauer

when his client was in the process of assembling the parcels, if all the property owners were contacted about participating in the project. Mr. Gronauer responded it was his understanding that either the landowners or brokers were contacted but he was not sure.

Commissioner Dilip Trivedi thanked Ryland Homes and KKB&R for holding the neighborhood meeting and listening to the neighbors' comments. He was in support of the transitional zoning as presented by the applicant but was concerned about the exit on Gowan Road and was not sure about the property next to Carefree Homes. He asked how much of a loss it would be for the applicant to go to a PUD on those lots. Mr. Gronauer responded it depended on what the product line would be. The applicant was looking at a couple of different products and depending on the product and the size of the property, a PUD might be the best route to take. Commissioner Trivedi asked about the exit on Gowan Road. Mr. Gronauer responded the exit on Gowan Road may be a possibility but one of the problems was the access may be restricted to right turn in/right turn out, but it could be addressed with the Traffic Study. Commissioner Trivedi asked Staff if they had any comments. Clete Kus of Public Works responded until the traffic study was received, they could not answer the question of adequacy regarding the two ingress and egress points currently proposed. With respect to an access point on Gowan Road, the possibility exists that the middle cul-de-sac could be extended so that another ingress and egress point could be established and it appeared that, in doing so, it would be a full access without any restrictions, i.e., right turn-in/right turn-out only and still meet the spacing requirements with the adjacent streets to the south on Gowan Road.

Mr. Gronauer stated the access was also something that could be addressed on the tentative map.

Commissioner Trivedi stated he would not be opposed to the overall density of 6.8 units per acre as proposed by the applicant. At the neighborhood meeting, a water park was mentioned and asked if it was still part of the plan. Mr. Gronauer responded it was.

Commissioner Angelo Carvalho asked if there was anything that could be done to give Mr. Leposavic a second access to his property. Mr. Gronauer responded it could be looked at. He had been given legal access, but he only had one means of access to begin with.

Commissioner Steve Brown asked Mr. Leposavic if he had been contacted regarding having his property incorporated into the proposed project. Mr. Leposavic responded he had been contacted, but he wanted to subdivide his property. Commissioner Brown asked Staff if that could be accomplished. Mr. Jordan responded Mr. Leposavic's property could not be subdivided as he would need to meet the minimum lot size requirements of an R-1 District, which was 6,000 square feet. Commissioner Brown explained to Mr. Leposavic that access to the rear of his property would not be useful because he could not subdivide into the same kind of division as the applicant. Commissioner Brown also stated he was

concerned about a couple of comments made indicating there was island zoning and that the development did not meet code and asked Staff to address that. Mr. Jordan responded when Staff looked at the project, they were looking at it as transitional zoning, with the Planned Unit Development of Carefree Villas being developed at approximately a maximum of 10.5 units per acre with the medium density proposed next to it, 10 with a transition from 10.5 to 10 and then with the medium low going down to 6 and another transition to low density, which would be 4.5. When all that was taken into consideration, it did not meet all the guidelines but they were guidelines and the zoning was viewed as transitional. Commissioner Brown stated he would have liked the whole project to be one PUD but was in support.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** Chairman Aston

35. T-1225 (23028) INTERNATIONAL VILLAGE. AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF ZOMACK 1, LLC, D'NAL 3, LLC, 5440 W. SAHARA, LLC AND CAREFREE HOLDINGS, LP / TEMPLETON GROUP, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT (PROPOSED FOR R-2, TWO FAMILY) CONSISTING OF 102 SINGLE-FAMILY AND 200 MULTI-FAMILY DWELLINGS. THE PROPERTY IS LOCATED APPROXIMATELY 2200 FEET NORTHEAST OF THE INTERSECTION OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-501-006, 139-07-510-026 THRU -030, 139-07-510-035 THRU -040, 139-07-510-043 THRU -044, 139-07-510-046 THRU -047, 139-07-510-054 THRU -060, 139-07-510-065, 139-07-602-003, 139-07-603-001, 139-07-610-044 THRU -052, AND 139-07-610-056 THRU -066. (CONTINUED NOVEMBER 9, 2005)

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109 appeared on behalf of the applicant asking that his comments from the previous items be included and requested T-1225 be continued to December 14, 2005 to allow him time to meet with the neighbors to show them what was proposed and addressing any other issues discussed with the tentative maps.

The following comments were carried forward from Item Nos. 32 through 34:

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating he would present Item Nos. 32 through 36 together. He stated the property was bounded by Gowan Road to the south, Alexander road to the north, Allen Lane to the east and Valley Drive to the west. When traveling through the area, all four streets were 80 foot rights-of-ways, which meant there would be a lot of traffic coming through the area. The property encompassed approximately 84 acres, which was comprised of in-fill parcels. Ryland Homes wanted to build a community that had some transitional zoning and would bring in various products from other areas of the Las Vegas Valley. They were trying to accomplish transitional zoning, from the south to the north, the density would increase. Part of the property was currently zoned R-1 which would typically have 6,000 square foot lots. That portion encompassed approximately 26 acres of the property, which was approximately 4.5 dwelling units per acre, which would buffer some of the existing homes that were adjacent to Allen Lane, Gowan Road and Valley Drive. Two weeks ago, a master plan amendment was approved to change a portion of the site from low density to medium low density, which allowed up to six units per acre. The application was continued to allow the applicant to address Staff's comments on the application. The PUD application, which was requesting 4500 square foot lots, which was a density of 5.4 units per acre. The application was now in conformance with the Amendment to the Master Plan that was

previously approved. Staff was recommending approval of Item No. 32, ZN-87-05. Item No. 33, AMP-62-05 was an amendment to the Master Plan to allow for a medium density on a portion of the site, which helped support the transitional density as you went from the south on Gown Road to the north on Alexander Road because now there were 4.5 dwelling units per acre, 5.4 dwelling units per acre and then coming in with the z-lots which were 7.9 dwelling units per acre. The density was gradually being increased in small increments. They clarified to the neighbors that the cost of the z-lots was more than the PUD's with the 4500 square foot lots. By having different products on the site, a community was being created which would have families with different income levels living within the community. Mr. Gronauer stated at the neighborhood meeting one of the neighbors stated he understood the buffering but was concerned about what was being put in an area that was master planned medium density, which allowed 10 units per acre, but would feel more comfortable knowing what product was planned for that area. Mr. Gronauer stated on Item No. 33, AMP-2-05, they considered withdrawing the application or holding it; but, he felt if it were approved for medium density, the neighbors would still be protected. Item No. 34, ZN-88-05, was the zone change to R-2, which was for a z-lot product. Item No. 35, T-1225 and Item No. 36, T-1224 were tentative maps, but he stated they could be continued, so the area could be mapped, because the tentative map would need to be amended and asked to be allowed to move forward with Item No. 32, Item No. 33, and Item No. 34 and continued Item Nos. 35 and 36 for two weeks to address some of the concerns of the neighbors.

Vice-Chairman Jo Cato opened the Public Hearing. The following participants came forward:

**Wayne Leposavic, 2877 Paradise Road #2001, Las Vegas, NV 89109** stated he did not receive a public hearing notice due to an error in his address with the County Assessor's Office. He had one lot in the area and would be surrounded by the proposed development and asked for an access at the rear of his property so he could subdivide into four lots.

Vice-Chairman Cato asked if the lot Mr. Leposavic was speaking about was within the proposed project or outside of it. Marc Jordan, Planning Manager responded there were a few lots owned by different owners and were not a part of the project.

**Doug Wood, 4108 Bola Drive, North Las Vegas, NV 89030** stated he was opposed to the project. The residents had been trying for seven years to keep the neighborhood as it was. The Carefree project on the north border was zoned PUD via low density and received a density bump because under federal guidelines they were a senior housing project and were assured that was never going to be used to set a precedent for high density zoning. The proposed project was supposed to be a community but there were three separate zoning requests, which was not a complete community but should have been a PUD with one density averaging.

**Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032** thanked Ryland Homes and Mr. Gronauer for meeting with the community. There were two key issues that came from the meeting. The first was that there was considerable concern about the lack of any idea of what was going on with the fourth parcel. The consensus from the community was that as long as it was a detached product, they were comfortable with the applications. The idea that there might be townhomes or some kind of attached product was of major concern. The second issue was that if the community were built with a PUD, Staff could condition it to protect both the residents and, at the request of the residents, when they want to ensure the commitments the applicant had made, the residents could ask for conditions to be added and also Staff could ask for conditions to be added. The site plan and tentative maps under a PUD are tied to the application. With separate applications for R-2, the tentative maps were not a public hearing, and once the applicant was granted R-2 zoning, even though they had promised the residents a particular product, they could change it at any time. On the negative side, if the proposed project was not a planned unit development, the R-2 applications did not meet the zoning ordinance, as the project was not at the intersection of two 100 foot right-of-ways, was not near regional or community commercial, and staff had concerns about the project. Even though Staff was supporting the applications, they were done so because of the approval that was given two weeks ago. In the Staff Report two weeks ago, Staff stated, "While Staff does not object to the development pattern proposed in the International Village Development applications, Staff believes that the approval of the fragmented zoning involved with the International Village applications will set an undesirable precedent for future development proposals. Staff believes that the best mechanism in the zoning ordinance to accomplish what the applicant desires for International Village, is the Planned Unit Development District. Therefore, Staff must object to the zone reclassification request. The Planning and Development Department recommends that ZN-88-05 be denied." She feared the applicant was going for individual zoning to be able to put townhomes on one of the parcels.

**Martha Slack, 3917 Arrow Brook Way, North Las Vegas, NV 89032** stated she was concerned about the proposed project and supported development but did not support something that was blind siding her and she felt part of the proposed project would be townhomes and was opposed to the applications.

Vice-Chairman Cato closed the Public Hearing.

Mr. Gronauer stated the project had many challenges over the years. No matter how the project was designed, there was a municipal zoning code that the applicant had to comply with to protect the neighboring areas. These applications were submitted by a builder who had spent over a year trying to assemble the properties. He understood the concerns of the neighbors but nothing was 100% guaranteed. He felt the mixture worked, was appropriate and they provided the transitional buffering from the south to the north. The tentative maps were being held to address some of the neighbors' concerns. The overall density was approximately 6.8 dwelling units per acre. Considering the different densities on the project, they felt that was reasonable for the overall site.

Commissioner Dean Leavitt asked Mr. Leposavic if his property was one or two parcels. Mr. Leposavic responded it was one parcel. Commissioner Leavitt asked Mr. Gronauer when his client was in the process of assembling the parcels, if all the property owners were contacted about participating in the project. Mr. Gronauer responded it was his understanding that either the landowners or brokers were contacted but he was not sure.

Commissioner Dilip Trivedi thanked Ryland Homes and KKB&R for holding the neighborhood meeting and listening to the neighbors' comments. He was in support of the transitional zoning as presented by the applicant but was concerned about the exit on Gowan Road and was not sure about the property next to Carefree Homes. He asked how much of a loss it would be for the applicant to go to a PUD on those lots. Mr. Gronauer responded it depended on what the product line would be. The applicant was looking at a couple of different products and depending on the product and the size of the property, a PUD might be the best route to take. Commissioner Trivedi asked about the exit on Gowan Road. Mr. Gronauer responded the exit on Gowan Road may be a possibility but one of the problems was the access may be restricted to right turn in/right turn out, but it could be addressed with the Traffic Study. Commissioner Trivedi asked Staff if they had any comments. Clete Kus of Public Works responded until the traffic study was received, they could not answer the question of adequacy regarding the two ingress and egress points currently proposed. With respect to an access point on Gowan Road, the possibility exists that the middle cul-de-sac could be extended so that another ingress and egress point could be established and it appeared that, in doing so, it would be a full access without any restrictions, i.e., right turn-in/right turn-out only and still meet the spacing requirements with the adjacent streets to the south on Gowan Road.

Mr. Gronauer stated the access was also something that could be addressed on the tentative map.

Commissioner Trivedi stated he would not be opposed to the overall density of 6.8 units per acre as proposed by the applicant. At the neighborhood meeting, a water park was mentioned and asked if it was still part of the plan. Mr. Gronauer responded it was.

Commissioner Angelo Carvalho asked if there was anything that could be done to give Mr. Leposavic a second access to his property. Mr. Gronauer responded it could be looked at. He had been given legal access, but he only had one means of access to begin with.

Commissioner Steve Brown asked Mr. Leposavic if he had been contacted regarding having his property incorporated into the proposed project. Mr. Leposavic responded he had been contacted, but he wanted to subdivide his property. Commissioner Brown asked Staff if that could be accomplished. Mr. Jordan responded Mr. Leposavic's property could not be subdivided as he would need to meet the minimum lot size requirements of an R-1 District, which was 6,000 square feet. Commissioner Brown explained to Mr. Leposavic that access to the rear of his property would not be useful because he could not subdivide

into the same kind of division as the applicant. Commissioner Brown also stated he was concerned about a couple of comments made indicating there was island zoning and that the development did not meet code and asked Staff to address that. Mr. Jordan responded when Staff looked at the project, they were looking at it as transitional zoning, with the Planned Unit Development of Carefree Villas being developed at approximately a maximum of 10.5 units per acre with the medium density proposed next to it, 10 with a transition from 10.5 to 10 and then with the medium low going down to 6 and another transition to low density, which would be 4.5. When all that was taken into consideration, it did not meet all the guidelines but they were guidelines and the zoning was viewed as transitional. Commissioner Brown stated he would have liked the whole project to be one PUD but was in support.

ACTION: CONTINUED TO DECEMBER 14, 2005

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: Chairman Aston

36. **T-1224 (22999) INTERNATIONAL VILLAGE. AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC ON BEHALF OF ZOMACK 1, LLC, D'NAL 3, LLC, AND 5440 W. SAHARA, LLC, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT CONSISTING OF 118 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF VALLEY DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-601-006, 139-07-601-007, 139-07-601-010, 139-07-601-011, 139-07-601-014, 139-07-601-015, 139-07-601-016, 139-07-601-017, 139-07-601-034, 139-07-601-035, 139-07-601-046, 139-07-601-037, 139-07-601-038, 139-07-601-039, 139-07-601-040, 139-07-601-041, 139-07-601-042, 139-07-601-044, 139-07-601-045, 139-07-601-047, 139-07-601-049, 139-07-601-017, 139-07-601-046, 139-07-601-048, 139-07-601-050, 139-07-601-051, 139-07-601-052, 139-07-601-054, 139-07-601-055, 139-07-601-056, 139-07-601-073, 139-07-601-074 AND 139-07-601-075. (CONTINUED NOVEMBER 9, 2005)**

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant asking that his comments from the previous items be included and requested T-1224 be continued to December 14, 2005 to allow him time to meet with the neighbors to show them what was proposed and addressing any other issues discussed with the tentative maps.

The following comments were carried forward from Item Nos. 32 through 34:

**Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating he would present Item Nos. 32 through 36 together. He stated the property was bounded by Gowan Road to the south, Alexander road to the north, Allen Lane to the east and Valley Drive to the west. When traveling through the area, all four streets were 80 foot rights-of-ways, which meant there would be a lot of traffic coming through the area. The property encompassed approximately 84 acres, which was comprised of in-fill parcels. Ryland Homes wanted to build a community that had some transitional zoning and would bring in various products from other areas of the Las Vegas Valley. They were trying to accomplish transitional zoning, from the south to the north, the density would increase. Part of the property was currently zoned R-1 which would typically have 6,000 square foot lots. That portion encompassed approximately 26 acres of the property, which was approximately 4.5 dwelling units per acre, which would buffer some of the existing homes that were adjacent to Allen Lane, Gowan Road and Valley Drive. Two weeks ago, a master plan amendment was approved to change a portion of the site from low density to medium low density, which allowed up to six units per acre. The application was continued to allow the applicant to address Staff's comments on the application. The PUD application, which was requesting 4500 square foot lots, which was a density of 5.4 units per acre. The

application was now in conformance with the Amendment to the Master Plan that was previously approved. Staff was recommending approval of Item No. 32, ZN-87-05. Item No. 33, AMP-62-05 was an amendment to the Master Plan to allow for a medium density on a portion of the site, which helped support the transitional density as you went from the south on Gown Road to the north on Alexander Road because now there were 4.5 dwelling units per acre, 5.4 dwelling units per acre and then coming in with the z-lots which were 7.9 dwelling units per acre. The density was gradually being increased in small increments. They clarified to the neighbors that the cost of the z-lots was more than the PUD's with the 4500 square foot lots. By having different products on the site, a community was being created which would have families with different income levels living within the community. Mr. Gronauer stated at the neighborhood meeting one of the neighbors stated he understood the buffering but was concerned about what was being put in an area that was master planned medium density, which allowed 10 units per acre, but would feel more comfortable knowing what product was planned for that area. Mr. Gronauer stated on Item No. 33, AMP-2-05, they considered withdrawing the application or holding it; but, he felt if it were approved for medium density, the neighbors would still be protected. Item No. 34, ZN-88-05, was the zone change to R-2, which was for a z-lot product. Item No. 35, T-1225 and Item No. 36, T-1224 were tentative maps, but he stated they could be continued, so the area could be mapped, because the tentative map would need to be amended and asked to be allowed to move forward with Item No. 32, Item No. 33, and Item No. 34 and continued Item Nos. 35 and 36 for two weeks to address some of the concerns of the neighbors.

Vice-Chairman Jo Cato opened the Public Hearing. The following participants came forward:

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Vice-Chairman Cato asked if the lot Mr. Leposavic was speaking about was within the proposed project or outside of it. Marc Jordan, Planning Manager responded there were a few lots owned by different owners and were not a part of the project.

**Doug Wood, 4108 Bola Drive, North Las Vegas, NV 89030** stated he was opposed to the project. The residents had been trying for seven years to keep the neighborhood as it was. The Carefree project on the north border was zoned PUD via low density and received a density bump because under federal guidelines they were a senior housing project and were assured that was never going to be used to set a precedent for high density zoning. The proposed project was supposed to be a community but there were three separate zoning requests, which was not a complete community but should have been a PUD with one density averaging.

**Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032** thanked Ryland Homes and Mr. Gronauer for meeting with the community. There were two key issues that came from the meeting. The first was that there was considerable concern about the lack of any idea of what was going on with the fourth parcel. The consensus from the community was that as long as it was a detached product, they were comfortable with the applications. The idea that there might be townhomes or some kind of attached product was of major concern. The second issue was that if the community were built with a PUD, Staff could condition it to protect both the residents and, at the request of the residents, when they want to ensure the commitments the applicant had made, the residents could ask for conditions to be added and also Staff could ask for conditions to be added. The site plan and tentative maps under a PUD are tied to the application. With separate applications for R-2, the tentative maps were not a public hearing, and once the applicant was granted R-2 zoning, even though they had promised the residents a particular product, they could change it at any time. On the negative side, if the proposed project was not a planned unit development, the R-2 applications did not meet the zoning ordinance, as the project was not at the intersection of two 100 foot right-of-ways, was not near regional or community commercial, and staff had concerns about the project. Even though Staff was supporting the applications, they were done so because of the approval that was given two weeks ago. In the Staff Report two weeks ago, Staff stated, "While Staff does not object to the development pattern proposed in the International Village Development applications, Staff believes that the approval of the fragmented zoning involved with the International Village applications will set an undesirable precedent for future development proposals. Staff believes that the best mechanism in the zoning ordinance to accomplish what the applicant desires for International Village, is the Planned Unit Development District. Therefore, Staff must object to the zone reclassification request. The Planning and Development Department recommends that ZN-88-05 be denied." She feared the applicant was going for individual zoning to be able to put townhomes on one of the parcels.

**Martha Slack, 3917 Arrow Brook Way, North Las Vegas, NV 89032** stated she was concerned about the proposed project and supported development but did not support something that was blind siding her and she felt part of the proposed project would be townhomes and was opposed to the applications.

Vice-Chairman Cato closed the Public Hearing.

Mr. Gronauer stated the project had many challenges over the years. No matter how the project was designed, there was a municipal zoning code that the applicant had to comply with to protect the neighboring areas. These applications were submitted by a builder who had spent over a year trying to assemble the properties. He understood the concerns of the neighbors but nothing was 100% guaranteed. He felt the mixture worked, was appropriate and they provided the transitional buffering from the south to the north. The tentative maps were being held to address some of the neighbors' concerns. The overall density was approximately 6.8 dwelling units per acre. Considering the different densities on the project, they felt that was reasonable for the overall site.

Commissioner Dean Leavitt asked Mr. Leposavic if his property was one or two parcels. Mr. Leposavic responded it was one parcel. Commissioner Leavitt asked Mr. Gronauer when his client was in the process of assembling the parcels, if all the property owners were contacted about participating in the project. Mr. Gronauer responded it was his understanding that either the landowners or brokers were contacted but he was not sure.

Commissioner Dilip Trivedi thanked Ryland Homes and KKB&R for holding the neighborhood meeting and listening to the neighbors' comments. He was in support of the transitional zoning as presented by the applicant but was concerned about the exit on Gowan Road and was not sure about the property next to Carefree Homes. He asked how much of a loss it would be for the applicant to go to a PUD on those lots. Mr. Gronauer responded it depended on what the product line would be. The applicant was looking at a couple of different products and depending on the product and the size of the property, a PUD might be the best route to take. Commissioner Trivedi asked about the exit on Gowan Road. Mr. Gronauer responded the exit on Gowan Road may be a possibility but one of the problems was the access may be restricted to right turn in/right turn out, but it could be addressed with the Traffic Study. Commissioner Trivedi asked Staff if they had any comments. Clete Kus of Public Works responded until the traffic study was received, they could not answer the question of adequacy regarding the two ingress and egress points currently proposed. With respect to an access point on Gowan Road, the possibility exists that the middle cul-de-sac could be extended so that another ingress and egress point could be established and it appeared that, in doing so, it would be a full access without any restrictions, i.e., right turn-in/right turn-out only and still meet the spacing requirements with the adjacent streets to the south on Gowan Road.

Mr. Gronauer stated the access was also something that could be addressed on the tentative map.

Commissioner Trivedi stated he would not be opposed to the overall density of 6.8 units per acre as proposed by the applicant. At the neighborhood meeting, a water park was mentioned and asked if it was still part of the plan. Mr. Gronauer responded it was.

Commissioner Angelo Carvalho asked if there was anything that could be done to give Mr. Leposavic a second access to his property. Mr. Gronauer responded it could be looked at. He had been given legal access, but he only had one means of access to begin with.

Commissioner Steve Brown asked Mr. Leposavic if he had been contacted regarding having his property incorporated into the proposed project. Mr. Leposavic responded he had been contacted, but he wanted to subdivide his property. Commissioner Brown asked Staff if that could be accomplished. Mr. Jordan responded Mr. Leposavic's property could not be subdivided as he would need to meet the minimum lot size requirements of an R-1 District, which was 6,000 square feet. Commissioner Brown explained to Mr. Leposavic that access to the rear of his property would not be useful because he could not subdivide

into the same kind of division as the applicant. Commissioner Brown also stated he was concerned about a couple of comments made indicating there was island zoning and that the development did not meet code and asked Staff to address that. Mr. Jordan responded when Staff looked at the project, they were looking at it as transitional zoning, with the Planned Unit Development of Carefree Villas being developed at approximately a maximum of 10.5 units per acre with the medium density proposed next to it, 10 with a transition from 10.5 to 10 and then with the medium low going down to 6 and another transition to low density, which would be 4.5. When all that was taken into consideration, it did not meet all the guidelines but they were guidelines and the zoning was viewed as transitional. Commissioner Brown stated he would have liked the whole project to be one PUD but was in support.

ACTION: CONTINUED TO DECEMBER 14, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: Chairman Aston

37. **T-1221 (22885) GILMORE FUSELIER UNIT 1. AN APPLICATION SUBMITTED BY CENTEX HOMES ON BEHALF OF ALEX COLEMAN LLC, ROBBIN MARTINDALE, AND SUPRANNE CARLSON, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT CONSISTING OF 54 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF GILMORE AVENUE AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-602-001, 139-08-602-002, 139-08-602-003, 139-08-602-004 AND 139-08-602-005. (CONTINUED NOVEMBER 9, 2005)**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of T-1221 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 comply with the Single-Family Design Standards.
3. 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 for 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.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Side lot easement(s) must conform to *City of North Las Vegas Municipal Code* 17.24.210.D.4.a.
6. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:

- a. Fuselier Drive
  - b. Gilmore Avenue
  - c. Coleman Street
9. Sixty (60) foot minor residential collector streets, including the subdivision entrance streets, shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
  10. All common elements shall be labeled and are to be maintained by the Home Owners Association.
  11. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
  12. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
  13. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
  14. A revocable encroachment permit for landscaping within the public right of way is required.
  15. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
  16. Proposed residential driveway slopes shall not exceed twelve percent (12%).
  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. The property owner is responsible for relinquishment of public and private utility easement(s) and granting easement(s) for new locations.
  19. The site plan shall be revised to include all of parcel 139-08-602-005.

**Dean Rasmuson of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89117** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

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

- 38. T-1222 (22883) ALEXANDER & SIMMONS. AN APPLICATION SUBMITTED BY CENTEX HOMES ON BEHALF OF DEBORAH WILLIAMS-CONWAY, CARLOS MARTINEZ AND ALEX COLEMAN, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT CONSISTING OF 81 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SIMMONS STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-801-005, 139-05-801-006, 139-05-801-007, 1 139-05-801-008, 139-05-801-009, 139-05-801-010, 139-05-802-008, 139-05-802-007, 139-05-802-008, 139-05-802-009, 139-05-802-010. (CONTINUED NOVEMBER 9, 2005)**

The application was presented by Terence Capers, Planner on behalf of Staff who indicated Staff was recommending approval of T-1222 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. If ZN-76-05 & ZN-77-05 is not approved by City Council, then this tentative map application shall be null and void.
3. The development shall comply with the Single-Family Design Standards.
4. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.

8. Approval of a traffic study is required prior to submittal of the civil improvement plans.
9. The developer shall install a median island within Alexander Road beginning at the intersection of Simmons and extending 50 feet beyond the project's first access.
10. 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. Simmons Street
  - b. Alexander Road
  - c. Fuselier Drive
  - d. Coleman Street
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Simmons Street and Alexander Road.
12. Sixty (60) foot minor residential collector streets, including the subdivision entrance streets, shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*. A transition from the existing street section to the new street section will be required along the easterly half of Fuselier Drive and the westerly half of Coleman Street.
13. Right-of-way dedication for a flared intersection, including a right turn lane, is required at Alexander Road and Simmons Street per the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 201.1 and 245.1.
14. All common elements shall be labeled and are to be maintained by the Home Owners Association.
15. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
16. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
17. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.

18. A revocable encroachment permit for landscaping within the public right of way is required.
19. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
20. Proposed residential driveway slopes shall not exceed a slope of twelve percent (12%).
21. 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.
22. The property owner is responsible for relinquishment of public and private utility easement(s) and granting easement(s) for new locations.

**Dean Rasmuson of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89117** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

Planning & Development Director Jory Stewart wished everyone a nice holiday.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 9:49 p.m.

APPROVED: December 28, 2005

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Jay Aston, Chairman

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Jo Ann Lawrence, Recording Secretary