

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

December 13, 2006

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

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

CALL TO ORDER: 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

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

STAFF PRESENT: Jory Stewart, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Jeremy Davis, Planner
Nick Vaskov, Deputy City Attorney II
Bethany Sanchez, Deputy City Attorney
Randy Cagle, PW, Real Property Services Manager
Eric Hawkins, Public Works
Janice Carr, Fire Department
Michelle Menart, Parks Planner
Jose Rodriguez, Police Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Angelo Carvalho

PLEDGE OF ALLEGIANCE: Commissioner Harry Shull

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 8, 2006.**

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Chairman Carvalho

Item No. 4 was heard next.

NEW BUSINESS

1. **UN-122-06 (27941) LAS VEGAS CORPORATE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRESTONE BUILDING PRODUCTS COMPANY ON BEHALF OF PROLOGIS TRUST C/O SCOTT MULKAY, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (APPROXIMATELY 14,000 GALLONS OF ROOFING ADHESIVE) IN CONJUNCTION WITH THE MANUFACTURING AND STORAGE OF ROOFING MEMBRANES AND ACCESSORIES. THE PROPERTY IS LOCATED AT 4272 CORPORATE CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-01-810-009.**

The application was presented by Marc Jordan who stated the surrounding properties were either zoned M-2 or M-1 and were all developed as industrial. Staff had not received any negative comments regarding the application and the Fire Department had no objection. Staff was recommending approval of UN-122-06 and that it be forwarded to City Council for final consideration with the following recommended conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. That the special use permit is site specific and non-transferable;
3. That any expansions to the proposed use shall be subject to City Council review and approval;
4. The development of this site shall be in compliance with the Industrial Development Standards.
5. That this use permit must comply with the conditions of approval for SPR-59-05.
6. Hazardous materials in excess of the exempt amounts as defined and determined in the adopted Fire Code shall not be used or stored until such time as the building can be shown to comply with the adopted building and fire codes and associated National Fire Protection Association standards.
7. The property owner is required to grant a roadway easement for commercial driveway(s).

8. 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.

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

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

Chairman Carvalho closed the Public Hearing.

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

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

2. VAC-23-06 (27802) BEESLEY & AZURE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARK LEFKOWITZ ON BEHALF OF LEFKOWITZ M IDEF BEN, PROPERTY OWNER, TO VACATE FANNIN WAY BETWEEN AZURE AVENUE AND REISS LANE, AND TO VACATE REISS LANE BETWEEN BEESLEY DRIVE AND FANNIN WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-27-201-006, 123-27-201-007, 123-27-201-008, AND 123-27-201-009.

The application was presented by Marc Jordan, Planning Manager who stated the applicant indicated they would resolve the possibility of a land lock parcel by filing for a reversionary map; however, the Utilities Department was recommending the application be denied, indicating that for the well planned quality growth that the development of the water distribution system and possibly a sanitary sewer collection system, that they would need these areas. The Fire Department was also not supporting the request, in addition to the possible land locked parcel and also for fire access for the area; therefore Staff was recommending denial of VAC-23-06.

Michael Patry, of Desert Valley Engineering, 3321 North Buffalo Drive, Las Vegas, NV 89129 appeared on behalf of the applicant stating they were proposing to vacate Fannin Way and Reiss Lane. The alignments of the streets border the north and west property line. There was a task force meeting with the City planners where the vacation issue was discussed and at that time, the City was in support of the application if they consolidated the existing four two acre lots to the northwest of the property. The applicant was asked to get concurrence of the neighboring property owners to the north and west, which they had done, and had filed an application for a reversionary map, so there were no land locked parcels and they intended to go through with the recordation, which was RPN27797. They also submitted a commercial subdivision tentative map with the application and the architect was currently submitting a site development design review. Mr. Patry stated this was the first he had heard about the Water District and Fire Department recommendation for denial and asked that the application be continued so they could discuss the issues with the Fire Department and Utilities Department.

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

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Aston

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

3. **ZN-57-06 - ZN-83-06 NLV COMMUNITY. AN APPLICATION SUBMITTED BY NOVEMBER 2005 LAND INVESTORS, LLC, AND DRHI, INC., PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN MPC MASTER PLANNED COMMUNITY DISTRICT TO MULTIPLE ZONING DISTRICTS AS FOLLOWS:**
 - A. **ZN-57-06 (27932) PUBLIC HEARING. (PARCEL 1.0) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (4.8± ACRES)**
 - B. **ZN-58-06 (27943) PUBLIC HEARING. (PARCEL 1.1) C-1/MPC NEIGHBORHOOD COMMERCIAL / MASTER PLANNED COMMUNITY DISTRICT (23.5± ACRES)**
 - C. **ZN-59-06 (27944) PUBLIC HEARING. (PARCEL 1.2) RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (47.5± ACRES)**
 - D. **ZN-60-06 (27945) PUBLIC HEARING. (PARCEL 1.3) RZ25/MPC RESIDENTIAL ZONE UP TO 25 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (21.4± ACRES)**
 - E. **ZN-61-06 (27946) PUBLIC HEARING. (PARCEL 1.4) RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (57.0± ACRES)**
 - F. **ZN-62-06 (27947) PUBLIC HEARING. (PARCEL 1.5) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (3.3± ACRES)**
 - G. **ZN-63-06 (27948) PUBLIC HEARING. (PARCEL 2.0) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (6.0± ACRES)**
 - H. **ZN-64-06 (27949) PUBLIC HEARING. (PARCEL 2.1) RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (20.9± ACRES)**
 - I. **ZN-65-06 (27950) PUBLIC HEARING. (PARCEL 2.2) RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (23.9± ACRES)**

- J. ZN-66-06 (27951) PUBLIC HEARING. (PARCEL 2.3) RZ13/MPC RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (22.0± ACRES)**
- K. ZN-67-06 (27952) PUBLIC HEARING. (PARCEL 2.4) RZ13/MPC RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (22.8± ACRES)**
- L. ZN-68-06 (27953) PUBLIC HEARING. (PARCEL 2.5) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (11.5± ACRES)**
- M. ZN-69-06 (27954) PUBLIC HEARING. (PARCEL 2.6) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (10.0± ACRES)**
- N. ZN-70-06 (27955) PUBLIC HEARING. (PARCEL 2.7) MUZ/MPC MIXED USE ZONE DISTRICT / MASTER PLANNED COMMUNITY DISTRICT (18.3± ACRES)**
- O. ZN-71-06 (27956) PUBLIC HEARING. (PARCEL 3.1) RZ25/MPC RESIDENTIAL ZONE UP TO 25 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (23.0± ACRES)**
- P. ZN-72-06 (27957) PUBLIC HEARING. (PARCEL 3.2) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (10.0± ACRES)**
- Q. ZN-73-06 (27958) PUBLIC HEARING. (PARCEL 3.3) RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (40.1± ACRES)**
- R. ZN-74-06 (27959) PUBLIC HEARING. (PARCEL 3.4) RZ13/MPC RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (35.2± ACRES)**
- S. ZN-75-06 (27960) PUBLIC HEARING. (PARCEL 3.5) RZ10/MPC RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (34.7± ACRES)**
- T. ZN-76-06 (27961) PUBLIC HEARING. (PARCEL 3.6) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (7.0± ACRES)**

- U. ZN-77-06 (27962) PUBLIC HEARING. (PARCEL 3.7) PSP/MPC PUBLIC SEMI PUBLIC / MASTER PLANNED COMMUNITY DISTRICT (2.5± ACRES)**
- V. ZN-78-06 (27963) PUBLIC HEARING. (PARCEL 4.1) RZ6/MPC RESIDENTIAL ZONE UP TO 6 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (26.8± ACRES)**
- W. ZN-79-06 (17964) PUBLIC HEARING. (PARCEL 4.2) RZ6/MPC RESIDENTIAL ZONE UP TO 6 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (21.7± ACRES)**
- X. ZN-80-06 (27965) PUBLIC HEARING. (PARCEL 4.3) RZ13/MPC RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (21.1± ACRES)**
- Y. ZN-81-06 (27966) PUBLIC HEARING. (PARCEL 4.4) RZ13/MPC RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (23.0± ACRES)**
- Z. ZN-82-06 (27967) PUBLIC HEARING. (PARCEL 4.5) RZ6/MPC RESIDENTIAL ZONE UP TO 6 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (21.8± ACRES)**
- AA. ZN-83-06 (27968) PUBLIC HEARING. (PARCEL 5.1) RZ13/MPC RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE / MASTER PLANNED COMMUNITY DISTRICT (41.6± ACRES)**

THE PROPERTIES ARE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND GRAND TETON DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-18-101-001 AND 124-19-101-005.

The application was presented by Jeremy Davis, Planner who stated Item Nos. 3.A through 3.AA included a total of 27 zone changes, ZN-57-06 through ZN-83-06, which were the associated zone changes for the 2600 hundred acre master planned community. The 601 acre parcel was located south of Grand Teton and east of Decatur. The zone reclassifications included several new zone districts, which include RZ6, which allows for densities up to six units per acre, RZ10, which allows for densities up to 10 units per acre, RZ13, which allows for densities up to 13 units per acre, RZ25, which allows up to 25 units per acre, Mixed Use Zone, and C-1 Neighborhood Commercial. On May 3, 2006, the City

Council approved the Development Agreement, which included a Land Use Plan. The associated zone change applications were consistent with the Land Use Plan and were also consistent with the Amendment to the Comprehensive Plan that was approved by City Council on July 5, 2006. Initially, Staff had recommended continuance; however, on December 5, 2006 City Council held a workshop where City Council recommended that the zone changes could go forward at this time and that the Design Guidelines and Development Standards were in a state where the applications could be approved. Therefore, Staff was recommending approval of ZN-57-06 through ZN-83-06.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating the requested zone changes were only dealing with the west parcel and the applicant would be coming in later with the zone change requests for the east parcel. He pointed out on Parcel Nos. 2.3 and 2.4, there were some concerns about the type of homes that would be placed on them and the property would be owned by Astoria Homes and when they came in through the tentative map process, the neighbors would be informed of the type of products they would be dealing with. On the remainder of the property, they wanted to maintain some medium-low density residential adjacent to some of the existing residential that was in Aliante, but for the most part, commercial use was planned on Grand Teton and Decatur. There is a mixed use parcel more centrally located on Aviary Parkway and Farm Road the applicant was planning to begin construction in early 2007 with the anticipation of having the first homes built and models open by the end of 2007.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

Item No. 8 was heard next.

4. **ZN-56-06 (27903) INQUIPCO FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAMES E. STROH ON BEHALF OF GRAVITY FIGHTERS LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN O-L OPEN LAND DISTRICT TO AN M-2 GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF SLOAN LANE AND AZURE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-501-010.**

It was requested by the applicant to continue ZN-56-06 to January 10, 2007.

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

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

5. **SPR-44-06 (27904) INQUIPCO FACILITY. AN APPLICATION SUBMITTED BY JAMES E. STROH ON BEHALF OF GRAVITY FIGHTERS LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN O-L OPEN LAND DISTRICT TO ALLOW AN INDUSTRIAL COMPLEX. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF SLOAN LANE AND AZURE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-501-010.**

It was requested by the applicant to continue SPR-44-06 to January 10, 2007.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Aston

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

6. **UN-121-06 (27906) INQUIPCO FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAMES E. STROH ON BEHALF OF GRAVITY FIGHTERS LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN O-L OPEN LAND DISTRICT (PROPOSED RECLASSIFICATION TO AN M-2 GENERAL INDUSTRIAL DISTRICT) TO ALLOW AN AUTOMOBILE REPAIR FACILITY AND AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF SLOAN LANE AND AZURE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-501-010.**

It was requested by the applicant to continue UN-121-06 to January 10, 2007.

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

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

7. **UN-117-06 (27788) TERRIBLE'S LUBE #281 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRIBLE HERBST INC. ON BEHALF OF RIFFAT ASIF INVESTMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 335 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-311-012.**

It was requested by the applicant to continue UN-117-06 to January 10, 2007.

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

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Commissioner Trivedi

Item No. 9 was heard next.

8. UN-118-06 (27886) WELLS FARGO BANK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROB JACKNEWITZ ON BEHALF OF PARK CENTRAL PLAZA 32 LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (WELLS FARGO BANK). THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-004.

The application was presented by Robert Eastman, Principal Planner who stated the approved site plan indicated a bank would be located on the site. The proposed project was in general compliance with the Commercial Design Standards. There were a few design changes that would need to be made to the bank so they met the same design criteria as the Walmart; however, it was a minor change and Staff was recommending that UN-118-06 be approved with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall be in compliance with all conditions of SPR-50-05, including but not limited to the approved elevations.
3. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
4. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
5. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
6. Four (4) full-size (24' x 36") and one 8-½" x 11" copies of the revised site plan shall be submitted to the Planning and Zoning Department prior to submittal of the civil improvement plans. The revised site plan shall identify all required corrections, including but not limited to the following:
 - a. landscaping between the center row of head-to-head parking located east of the bank.
 - b. an area for two bicycle parking spaces that does not interfere with required landscaping or pedestrian access routes.

- c. close off the western end of the drive aisle adjacent to the north side of the bank with a landscape island.
- d. provide foundation landscaping, or a suitable alternative, along the east side of the building.

Rob Jacknewitz, 2324 Hampton Avenue, St. Louis, MO 63139 appeared on behalf of the applicant stating they concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

Item No. 12 was heard next.

9. **UN-119-06 (27893) CREEKSIDE PHASE II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIMOTHY R. NEAL ON BEHALF OF LOSEE ROAD INVESTORS LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A DRIVE-THRU AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-301-012.**

It was requested by the applicant to continue UN-119-06 to January 10, 2007.

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

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

10. **UN-120-06 (27894) CREEKSIDE PHASE II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIMOTHY R. NEAL ON BEHALF OF LOSEE ROAD INVESTORS LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A RETAIL BUILDING. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-301-012.**

It was requested by the applicant to continue UN-120-06 to January 10, 2007.

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

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

11. **ZN-84-06 (27969) JUPITER GOLF COMPANY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JUPITER GOLF COMPANY, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-2 GENERAL COMMERCIAL DISTRICT TO AN MUD MIXED USED DEVELOPMENT CONSISTING OF APPROXIMATELY 59,652 SQUARE FEET OF RETAIL SPACE, 48,652 SQUARE FEET OF COMMERCIAL OFFICE SPACE, AND 466 RESIDENTIAL UNITS. THE PROPERTY IS GENERALLY LOCATED NORTH OF CRAIG ROAD AND 620 FEET EAST OF COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-601-009.**

It was requested by the applicant to continue ZN-84-06 to January 10, 2007.

Chairman Angelo Carvalho opened the Public Hearing. The following participant declined comment at this time:

- **Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032**

Chairman Carvalho stated the Public Hearing would remain open.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

Item No. 19 was heard next.

12. **ZOA-17-06 (27942) KB HOMES INITIATIVE (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY KB HOME NEVADA, INC. TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.24.050 (J) TO ALLOW WAIVERS OF OFF-STREET PARKING REQUIREMENTS DURING EXTENSIONS OF TIME FOR MODEL HOME SALES OFFICES WHEN A HOME IS BEING CONSTRUCTED ON THE PARKING LOT SITE, AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

The application was presented by Marc Jordan, Planning Manager who stated the applicant was requesting that when the lot used for parking was developed and homes were still being sold, that customer parking be allowed on the street. The original text allowed that decision to be made by the Planning Department; however, with other issues such as traffic and maintaining fire access, Staff worked with the applicant to amend the text to include those two departments and also added language that would allow for the process to take place. Staff was recommending approval of ZOA-17-06.

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

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

13. ZOA-18-06 (28141) CNLV (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 20.230.B.3. TO MODIFY THE COMPREHENSIVE MASTER PLAN LAND USE DESIGNATIONS FOR A MIXED USE DEVELOPMENT DISTRICT (MUD) TO A MIXED USE NEIGHBORHOOD, MIXED USE COMMERCIAL, AND MIXED USE EMPLOYMENT, LAND USE DESIGNATIONS, AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

The application was presented by Marc Jordan, Planning Manager who stated this was a housekeeping item and explained, under the new ordinance for Mixed Use Districts, it was outlined what master plan designation would be needed for a Mixed Use District and the current ordinance outlined all the districts that were on the old plan, which was no longer in effect. This ordinance was amending that to name the new designations under the existing 2006 Comprehensive Plan, which was neighborhood Commercial, Community Commercial and Employment Mixed Use areas. Staff was recommending approval of ZOA-18-06.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

14. **SPR-45-06 (27938) ALLEN HOUSE. AN APPLICATION SUBMITTED BY MARCUS S. ALLEN, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A SINGLE FAMILY DWELLING ON AN APPROXIMATE 5000-SQUARE-FOOT LOT. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF DEQUESNE AVENUE AND APPROXIMATELY 150 FEET WEST OF REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-16-710-024.**

The application was presented by Marc Jordan, Planning Manager who stated the lot was an existing lot slightly less than 5,000 square feet and, therefore, was considered a legal non-conforming lot that can be developed with a single-family home, but they need to come before the Commission to demonstrate they comply with all requirements. The applicant complied with all set-back requirements and, according to the elevations, they comply with the Single-Family Design Guidelines. Staff was recommending approval of SPR-45-06 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 dwelling shall be in full compliance with the Single-Family Design Standards.
3. The applicant is required to file a reversionary final map.

The applicant was not present.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

15. SPR-46-06 (27939) ADAMS POOL SOLUTIONS. AN APPLICATION SUBMITTED BY ADAMS POOL SOLUTIONS ON BEHALF OF ANTHONY ADAMS, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO REDUCE THE REQUIRED 20 FOOT PERIMETER LANDSCAPE AREA TO 10 FEET. THE PROPERTY IS LOCATED AT 4451 NORTH WALNUT ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-020.

The application was presented by Robert Eastman, Principal Planner who stated the applicant was proposing to convert some of the open land adjacent to his building and fronting Walnut Road into an outdoor display area for his pool equipment. The pools would be in-ground pools, landscaped with the mechanical equipment and would be working functioning pools. With that, there would be a decorative wrought iron fence located approximately five feet from the sidewalk. The Design Standards require a 20 foot buffer, which may include the sidewalk, or 15 feet of landscaping from the back of curb. Staff felt the decorative fence and additional pool equipment was not appropriate for the buffer location; therefore, Staff was recommending denial of SPR-46-06. Should the Commission determine approval was warranted, Staff had recommended conditions; however, particular attention should be paid to Condition No. 2 which still does not give the applicant the same amount of reduction requested, which was because of the existing utility easement that would not allow any development within the 15 feet. Condition No. 2 reflected the utility easement, so that would only give a five foot reduction instead of the 10 feet requested. Staff recommends the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That the development comply with the Industrial Design Guidelines and Development Standards, including but not limited to the following:
 - a. A minimum of at least 15 feet in width from back of curb to perimeter wall (which may include a sidewalk and portions of right-of-way) shall be maintained adjacent to Walnut Road.
 - b. The ten (10) feet of landscaping shall include 60% of ground cover with a 24" box tree every 15 feet on center.
3. The developer's engineer shall submit a utility plan depicting water lateral and backflow device from the meter to the proposed outdoor showroom of pool display.
4. The engineer shall provide verification of the meter size.
5. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code

Ronald Hair, Sales Manager for Adams Pool Solutions, 4451 North Walnut, North Las Vegas, NV 89081 appeared on behalf of the applicant stating he understood they had to have 20 foot of landscaping and then they could development their outdoor displays. He explained they were asking, within the 20 feet, to put the wrought iron fence 10 feet in and then landscaping and then the pools. The pools would be 20 feet and they wanted to heavily landscape the area to hide some of the surrounding uses.

Commissioner Steve Brown asked Staff to explain the issue with the easement. Mr. Eastman explained the only real issue with the easement was that the wrought iron fence would be within the easement, so it would be the applicant's loss if the City were to go in and exercise their right with the easement. Commissioner Brown asked the applicant if he understood. Mr. Hair responded they would be willing to take that chance. Commissioner Brown stated he could support the application as the applicant's proposal would fulfil the requirement of the 20 feet of landscaping.

Commissioner Dean Leavitt stated if the application were approved with the fence, as proposed by the applicant, it would be an if and when situation on the applicant's part and he was aware of it, so he would be in support of the application.

Commissioner Jay Aston asked Staff what kind of easement was on the property. Randy Cagle of Public Works responded there was a 15 foot wide public utility easement granted with the original subdivision plat in the 70's. He did not believe there were any facilities there except the laterals that go to the property; so, he did not foresee anything going through there in the future. Commissioner Aston asked if the building was being leased. Mr. Hair responded the applicant owned the building.

Mr. Eastman stated if it was the Commission's desire to approve SPR-46-06, Condition No. 2.a should be amended to read: "A minimum of at least 10 feet in width from back of curb to perimeter wall (which may include a sidewalk and portions of right-of-way) shall be maintained adjacent to Walnut Road."

Mr. Hair stated currently there was not a sidewalk, just a curb and gutter. Mr. Cagle stated it was an industrial area without sidewalks and if the City ever determined sidewalks were needed, they could go in with a special improvement district, but sidewalks were not required at the present time.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 2.A AMENDED TO READ:**

- 2.A. A MINIMUM OF AT LEAST 10 FEET IN WIDTH FROM BACK OF CURB TO PERIMETER WALL (WHICH MAY INCLUDE A SIDEWALK AND PORTIONS OF RIGHT-OF-WAY) SHALL BE MAINTAINED ADJACENT TO WALNUT ROAD.**

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

16. **T-1142 (27897) CELEBRATE @ PROVANCE WEST. AN APPLICATION SUBMITTED BY CELEBRATE HOMES ON BEHALF OF CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED TENTATIVE MAP IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF RED COACH AVENUE AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-05-203-001.**

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

The application was presented by Robert Eastman, Principal Planner who stated T-1142 was previously approved December 23, 2004 and the tentative map, under normal circumstances, runs for two years. The applicant was requesting the extension of time for an additional two years to allow additional time to successfully develop the site. The tentative map was still in conformance with the ordinances and Design Standards; therefore, Staff was recommending approval of T-1142 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. The development shall fully comply with all conditions of approval for ZN-84-04 (Ordinance 2058).
3. Shared refuse collection areas and dumpsters of sufficient size and number for the needs of the development, as determined by staff, shall be provided.
4. The development shall not exceed 60 dwelling units.
5. Sprinklers for fire suppression shall be installed in each residential unit unless the applicant provides a suitable alternative prior to recording the Final Map.
6. On-street parking shall be prohibited on one/both side(s) of Old Empire Road (adjacent to Buildings 9 through 14) by marking of the fire lane. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
7. This development shall be mapped as condominiums, or the site plan must be revised to comply with the *City of North Las Vegas Municipal Code* Title 16 requirements.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.

9. A queuing analysis is required.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Simmons Street.
11. The entry on Simmons Street will be limited to right in/right out.
12. Approval of a drainage study is required prior to submittal of the civil improvement plans.
13. 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.
14. The half street improvements for Simmons Street shall extend north to the southern terminus of improvements constructed by Hometown West.
15. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
16. The property owner is required to grant roadway easements where public and private streets intersect.
17. All common elements shall be labeled and are to be maintained by the Homeowners' Association.
18. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
19. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
20. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
21. A revocable encroachment permit for landscaping within the public right of way is required.
22. All Nevada Power Company easements and poles must be shown. The poles shall be fully located within the landscape area and if the relocation of any poles is required it will be at the expense of the developer.
21. All perimeter walls shall be owned and maintained by the Homeowners' Association.

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 Brown

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

NAYS: None

ABSTAIN: Commissioner Shull

17. FDP-18-06 (27973) ALIANTE STATION CASINO. AN APPLICATION SUBMITTED BY ALIANTE GAMING LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN AN MPC PUD, MASTER PLANNED COMMUNITY PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF THE ALIANTE STATION RESORT AND CASINO. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF THE I-215 BELTWAY AND ALIANTE PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-17-811-001.

The application was presented by Robert Eastman, Principal Planner who stated the site was just slightly over 40 acres and was within the Aliante Master Planned Community and was planned for Resort Commercial. The Development Agreement for the site showed the area as a casino site. There is an existing Gaming Enterprise District and a use permit for the use and the site is zoned for a Planned Unit Development and is in compliance with the preliminary development plan. The required hotel space is being provided with the application and the applicant was proposing two phases, the first phase would have approximately 200 hotel rooms and the majority of the casino, a movie theater and a large parking garage. A smaller second phase would contain another 200 room tower, the bowling allies and additional restaurant space and an addition to the parking garage. The hotel is approximately 150 feet in height, which is in compliance with the PUD and was one of the conditions of approval for the PUD and the casino. The applicant has asked for a number of waivers, one of which was to allow a reduction of the perimeter landscaping along 215 from 20 feet to 10 feet, as shown, to reduce the parking lot landscaping to allow landscape diamonds rather than the landscape islands every other row and the third was for building orientation of the casino. Instead of having the casino pushed up to the corner of Aliante Parkway and Elkhorn, they requested that it be pulled back slightly to allow parking in the front. The parking garage is up to Elkhorn and the casino fills the site. They are in compliance with the parking requirements, meet the landscape requirements and are in compliance with the PUD and the Development Agreement for Aliante; therefore, Staff was recommending approval of FDP-18-06 subject to 18 conditions. The applicant submitted a revised final development plan, which reflects some of the conditions listed; therefore, the applicant may request some of the conditions to be removed. The recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the final development plan shall comply with all conditions of approval of ZN-105-02, UN-68-02, and GED-02-02; the North Valley Development Agreement; Planned Unit Development zoning requirements; and the Aliante Commercial Design Standards, with the following exceptions:
 - a. A minimum of ten feet of landscaping shall be provided adjacent to all property lines.

- b. The casino building may be setback as shown on the site plan.
 - c. Parking lot landscaping shall contain landscaped diamonds between every 3 parking spaces and landscaped islands at the end of each row of parking.
3. Provide an easement for the flood control facility south of the Elkhorn right-of-way.
4. No deep rooted landscaping materials may be planted within five (5) feet of the flood control facility.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. 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.
7. 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.
8. Approval of site plan does not constitute approval of a traffic signal.
9. Dedicate right of way for all commercial driveways.
10. The property owner is required to sign a restrictive covenant for utilities.
11. A vacation is required to be filed for the recorded drainage easement on the property, Document #20040628:0006253.
12. Fire access lanes shall be located in accordance with Fire Code requirements.
13. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
14. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
15. The Central Plant building shall be setback a minimum of 20 feet from the Elkhorn right of way.
16. Additional architectural relief shall be placed along the south and east facades of the building to comply with the Aliante Design Standards.

17. Twenty-four (24) inch box trees shall be planted every 20 feet on center along CC-215.
18. Signage shall be considered conceptual and not approved with this application.

Bill Curran of Ballard, Spahr, Andrews & Ingersoll, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant along with representatives from Station Casinos. Mr. Curran explained the project was approved by City Council in 2002, and there had been signage on the site since that time advising people that it was a future casino site, so the application was no surprise. If the application is approved, they expect to break ground in the first quarter of 2007. He stated they held a neighborhood meeting in October and the most commonly asked question was when the casino would open and what could be done to get it open sooner. They asked people to submit written comment cards so they would have something formal to follow up on if it was necessary. Most questions of concern had to do with traffic. As an overview of the project, it would be built in two phases, the first phase would have 202 rooms, the full casino, the great majority of the parking garage, the theaters and a number of amenities. Mr. Curran indicated you would not have to walk through the casino to get to the movie theaters and also when the bowling center was built, you would be able to go straight to the center without going through the casino. When the project was complete, there would be 1,000 additional parking spaces beyond what was required. Phase two probably would not be built for a couple of years, but it was planned with another tower with 202 rooms, would include a bowling center, a new parking garage and also additional restaurants. Mr. Curran stated traffic was an area of concern and they indicated they would not know all of the answers until the traffic study was completed. They were participating in developing a diamond interchange at 215 and in addition to that, they were proposing signalized traffic control devices at the two major entrances to the casino as well as on the corner of Elkhorn Road and Aliante Parkway and for internal circulation, it was needed for fire emergency access and to be sure the loading docks and service areas were in an area concealed from the public so that the general ambiance was not undermined. There would be two bus stops and a transportation study would be completed, which would answer the questions about whether signals could be put at the desired locations. The target completion date was around Thanksgiving of 2008. Mr. Curran stated the applicant had requested a few waivers, three would be required and one, which was discussed, was the building orientation and there was a request to the reduction of the perimeter landscaping along Elkhorn Road. There was already a wide landscape buffer there that was part of the Aliante Community project and they were going to do extreme landscaping behind that area so the parking garage was blocked, which Staff was agreeable to. They also requested a reduction in the parking lot landscaping, asking that they be allowed to put a diamond every four spaces, plus a tree every 27 feet to provide shade, which he understood Staff was also in support of. At one point Staff felt the applicant needed to request a waiver for set-backs, but the plans had been modified, so

that was no longer necessary and Staff also wanted architectural relief along the Beltway, but the plan had been amended to meet Staff's approval.

Commissioner Jo Cato asked if a night club was included in the project.

Joe Hasson, General Manager of Aliante Station, 2411 West Sahara, Las Vegas, NV stated there was a night club concept inside phase one that included 700 seats.

Commissioner Jay Aston asked Staff if on Condition No. 2.c after the 4 parking spaces, they wanted to add the wording "or a distance no greater than 27 feet." Mr. Eastman responded three parking spaces was 27 feet, so by saying no greater than 27 feet, you would be putting a diamond every three spaces. Commissioner Aston asked if the condition could read: "4 parking spaces or a distance no greater than 27 feet."

Danny Callejo, 10973 Summerlin Center Drive, Las Vegas, NV 89135 clarified they had requested the diamond islands to be positioned every four spaces in lieu of the request from Staff for it to be every three spaces; therefore, that dimension would be 36 feet on center.

Commissioner Aston stated there were many people in the community looking forward to the establishment being completed and he did not have a problem with the 4 parking spaces.

Commissioner Steve Brown stated, as a resident of Aliante, he wanted to thank the applicant for the project and asked the dimensions of the trees adjacent to 215, as Condition No. 17 showed 20 feet on center. Mr. Callejo responded they were currently spaced every 30 feet.

Commissioner Dilip Trivedi stated the project would be a welcome addition to the City and asked when the spacing of the diamonds was increased, if they were reducing the number of trees being placed on the property. Mr. Callejo responded they were proposing that trees be installed on every diamond island. Commissioner Trivedi asked if the number of trees in the perimeter landscaping could be increased so the intent of the code was met. Mr. Callejo responded they had surpassed the code requirement along the perimeter of the property. Commissioner Trivedi asked if Station Casinos was building green. Mr. Callejo responded their company had made every effort in the development of the project to try to consider green products. It was a new movement that was coming into modern construction and as they have the possibility of considering those items and incorporating them into the project, they would be taken into consideration, but they were not looking to obtain green or lead certification on the project.

Commissioner Harry Shull stated Condition No. 17 stated trees would be planted every 20 feet and he heard someone say they were being planted every 30 feet. Mr. Callejo stated along the I-215 corridor they were proposing trees every 30 feet on center as part of their landscape reduction request. Commissioner Shull asked for clarification on which conditions would be affected on the requested waivers. Mr. Curran responded Condition Nos. 2.c and 17 would be affected.

Mr. Eastman explained the conditions the waivers addressed were predominantly Condition Nos. 2.a, b & c and Condition No. 17. Condition No. 2.a grants the reduction of the landscape width to 10 feet as requested and Condition No. 17 requests the trees be placed every 20 feet on center along the southern property line to help mitigate the reduction from 20 feet to 10 feet as requested. Condition No. 2.b allows the building orientation to be located as shown on the site plan, which grants the waiver request and Condition No. 2.c dealt with the parking lot landscaping.

Commissioner Shull stated he did not have a problem with the reduction in landscaping in the parking lot and the other conditions but felt 20 foot of landscaping should be maintained along the 215 Beltway.

Chairman Carvalho agreed and asked if the County would be installing a barrier wall that would restrict the visibility of the landscaping. Director Stewart responded sound walls were typically installed to mitigate the sound generated by the traffic in residential areas; but, since this was regional commercial, that probably would not be done.

Commissioner Dean Leavitt was not in support of the 30 foot separation on 215.

Mr. Curran stated they would agree to the 20 foot of landscaping along 215.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 2.C AMENDED TO READ:

2.C. PARKING LOT LANDSCAPING SHALL CONTAIN LANDSCAPED
DIAMONDS BETWEEN EVERY 4 PARKING SPACES AND
LANDSCAPED ISLANDS AT THE END OF EACH ROW OF
PARKING.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

18. **FDP-17-06 (27940) 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 CONSISTING OF A CONVENIENCE STORE WITH GAS PUMPS, A CAR WASH, AND 12,465 SQUARE FEET OF RETAIL SPACE. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-802-009.**

The application was presented by Jeremy Davis, Planner who stated the 2.44 acres was part of the seven acre commercial portion of a 70 acre planned unit development. The final development plan was in conformance with the preliminary development plan and Staff was recommending approval of FDP-17-06 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances and the Commercial Development Standards and Design Guidelines.
2. That the development of this site be in compliance with all conditions of approval for ZN-35-03, T-1282, UN-62-06 and UN-102-06.
3. Fire access lanes shall be marked to prohibit parking in accordance with the Fire 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.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

Item No. 20 was heard next.

19. **FDP-16-06 (27816) RANCHO MIRAGE UNIT 3. AN APPLICATION SUBMITTED BY CORNERSTONE PRINCIPALS, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 49 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-27-410-051, 124-27-410-052, 124-27-410-054, 124-27-410-055, 124-27-410-056, 124-27-410-057, 124-27-410-088, AND 124-27-410-087.**

It was requested by the applicant to continue FDP-16-06 to January 10, 2007.

ACTION: CONTINUED TO JANUARY 10, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

OLD BUSINESS

20. **ZN-54-06 (27664) VILLAGE CENTER @ CRAIG & ALLEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEVELOPMENT FUNDING GROUP ON BEHALF OF ALLEN VILLAGE LLC AND NAKHJAVANI LIVING TRUST, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT TO AN MUD MIXED USE DEVELOPMENT DISTRICT CONSISTING OF 440 CONDOMINIUMS AND/OR LIVE-WORK RESIDENTIAL UNITS AND 72,300 SQUARE FEET OF COMMERCIAL AREA. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ALLEN LANE AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-06-701-008, AND 139-06-701-010. (CONTINUED NOVEMBER 8, 2006)**

The application was presented by Marc Jordan, Planning Manager who explained the application was to rezone a portion of a previously approved Planned Unit Development, (PUD) to a Mixed Use Development (MUD). A revised plan has been submitted which shows a horizontal mixed use development with the site divided into two portions, the northeasterly portion of the site near Craig Road and Allen Lane was primarily commercial and would be approximately 50,687 square feet and on the southwestern portion of the site there would be approximately 312 condominium units. Staff was concerned about the landscaping next to Craig Road as there was a drainage facility that ran along the back side of the right-of-way and they would not be able to plant trees within that area, which was approximately 35 feet in width. Staff requested that the landscape area be increased to 45 feet to allow for a 10 foot area where trees could be planted. Staff was also concerned that the guest parking was not conveniently located and did not feel guests would park in the commercial area and walk to the condos. The Parks and Recreation Department also had a concern that the amenities had not been adequately demonstrated and would like to see that done. Mr. Jordan pointed out on the previously approved PUD, Condition No. 14 read: "That no residential development of any kind be permitted on this site." Staff was concerned that by pulling a portion of the PUD out and rezoning it to MUD, a Mixed Use Development, the six acres to the west would be impacted, as they would still have the PUD designation and would not be able to develop under their current approval. Staff was not in support of ZN-54-06; however, should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That development shall comply with Mixed Use Development Standards, including but not limited to the following:

- a. A minimum 15-foot wide pedestrian priority area (which includes a six foot wide amenity zone and a nine foot wide sidewalk) shall be provide next to all buildings containing commercial uses. Furthermore, an additional 10 feet of landscaping, outdoor dining areas, courtyards, or pedestrian arcades shall be provided at the building entrances, not to exceed 50% of each building frontage.
 - b. Six (6) foot landscape islands shall be installed for every 12 spaces contained within a parking row, and at the end of all parking rows.
 - c. The residential land use type shall not occupy more than seventy-five percent (75%) of the entire site.
 - d. Internal pedestrian priority areas shall be provided to connect the internal residential areas to the commercial areas of the development. Furthermore, additional pedestrian priority areas shall also be provided next to Craig Road, Allen Lane and Goldcrest Drive to serve as pedestrian connections to the commercial areas from the surrounding neighborhoods.
 - e. Pedestrian crosswalks within the main drive aisle shall be minimized and designed to provide safe pedestrian connections and to minimized traffic congestion.
 - f. A minimum 20 feet of landscaping shall be provided between the right-of-way and any wall or fence along Goldcrest Drive.
 - g. Carports shall be prohibited in front of any commercial establishments.
3. A minimum of 776 parking spaces shall on the site be provide in which 590 parking spaces shall designated for the residential use.
 4. In order to install trees within the landscaping next to Craig Road, a minimum of 45 feet of landscaping shall be provided next to Craig road with the exception where buildings are proposed, in which case the buildings may be located at the minimum setback next to Craig Road.
 5. No permanent structures, including signs, will be permitted over the 30' drainage easement area adjacent to Craig Road.
 6. Approval of a drainage study is required prior to submittal of the civil improvement plans.

7. 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.
8. Right-of-way dedication and construction of a CAT bus turn-out is required on Allen Lane near Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
9. A minimum of 5' landscape area must be provided behind any proposed bus turn-outs.
10. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Allen Lane and Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
11. The property owner is required to grant a roadway easement for commercial driveway(s).
12. The property owner is required to sign a restrictive covenant for utilities.
13. 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.
14. A revocable encroachment permit for landscaping within the public right of way is required.
15. All off-site improvements must be completed prior to final inspection of the first building.
16. 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.
17. No trees shall be planted within five (5) feet either side of the underground drainage facility.
18. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
19. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.

20. Internal street names are required on all drive aisles.
21. Approval of a traffic study and a parking study is required prior to submittal of the civil improvement plans.
22. A queuing analysis is required.
23. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Craig Road and Allen Lane.
24. 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.
25. 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.
26. That the development comply with the appropriate Building Code requirements.
27. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
28. The following minimum amenities shall be required as part of the usable open space:
 - a. Circuitous lighted paths and fitness course
 - b. A minimum of 20 24-inch box trees per acre
 - c. At least two locations providing 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (4 play structures total)
 - d. A minimum of 1,980 square feet of swimming pool area with clubhouse/cabana, restrooms, decking, barbecue areas, and shade structures
 - e. Shaded picnic areas, including picnic table(s), barbecue grill(s), trash receptacle(s) and drinking fountain(s)
 - f. At least one large open space area for group/organized play w/ drinking fountain
 - g. One sport court (i.e. basketball, sand volleyball, tennis, etc.) may substitute two play structures from provision 3 above

- h. One large lighted group shade area/gazebo (30' diameter)
- l. Benches spaced along pathways
- j. Bicycle racks at 2-3 different locations
- k. Dog stations
- l. Details of amenities to be provided

Bill Curran of Ballard, Spahr, Andrews & Ingersoll, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant along with **Maren Parry** of the same firm and **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014**. Mr. Curran indicated Ms. Parry would address the issue of the PUD and the history of the project and Mr. Garcia would explain the project itself. He explained they had held four neighborhood meetings and had private meetings with individuals who were unable to attend the neighborhood meetings.

Ms. Parry explained the preliminary approval was done by resolution of intent in 1989 and there had been a large block of single family residences, an elementary school and several multi-family units already constructed. After a series of extensions and revisions, the developer requested an amendment to the preliminary PUD for three parcels, two of which were on this application. The three parcels were planned for common development, but the original developer abandoned the project and the parcels were sold to different parties. Ms. Parry explained they had tried to purchase the remaining third parcel and discussed the possibility of joint development but due to each individual's investment constraints, they were unable to. The area was an ideal location for the implementation of the City's new mixed use ordinance and the development would be consistent with the development code for the City and would preserve the character of the surrounding PUD and would positively affect the enjoyment of the land, which was within and surrounded the PUD as well as the interest of the City and the public as a whole. Since the original developer never received the final approvals on these parcels, prompting the need for an amendment rather than a zone change after abandonment, a zone change was being requested; but, the proposed plans would justify an amendment to the existing PUD under the State law. The State law governing PUD amendments, indicates that one of the statutes' prime objectives was to maintain the flexibility of development. Although this proposal was a change from the current plan, the rezoning of the property was a well conceived effort to provide a project which was consistent with efficient development of the PUD and the surrounding area. The North Las Vegas Comprehensive Plan designation for the property was Community Commercial and was zoned C-2. One of the stated goals of the plan was to promote development, which achieved a greater land use mix. The designation was prime for the City's new mixed use ordinance, which was not an option when the original PUD was created and was a logical evolution for the area. The proposed project best fits the City's long-term goals as indicated by the Comprehensive Master Plan and maintains a flexibility of development to address the needs of a growing community and also advances the original intent of the original PUD, which included multi-family. Ms. Parry also pointed out

that another part of the Nevada Revised Statutes stressed that it was very important that State law, has provided that the local ordinance standards must not unreasonably restrict the ability of the land owner to relate the plan to the particular site or to a particular demand for housing existing at the time of development. The increased population growth and the new development goals of North Las Vegas require a modification to plans that were initially proposed over 15 years ago. The string of amendments to the original PUD, and its subsequent abandonment by the developer, were evidence that the current plan was not viable, leaving the property vacant and requiring conformity to a PUD in an environment where it was no longer realistic. Development Funding Group was willing to move forward with a project that would enhance the area and bring the property one step closer to development.

Mr. Garcia stated the mixed use development referred to by Ms. Parry would be on the corner of Craig Road and Allen Lane on the southwest corner. Craig Road typified what was early development, which was strip commercial with some residential and what they were proposing conformed with the area. He explained this was the first application to come in with the new MUD concept where the intent was to change the character from strip to a mixed use center that had all of the interesting, creative and exciting things that made it a fully functional, cohesive, pedestrian oriented development with reduced traffic. Mr. Garcia stated they met with the neighbors and showed them how the property could be developed. The neighbors indicated they did not want high density buildings within 15 to 20 feet of their rear yards and requested single story homes and did not like the commercial as proposed. The neighbors were shown various boards visualizing how each would look and they agreed on a mixed use, low rise retail, retail office, shopping, eating, and entertainment area. So, when they designed the area, they eliminated all driveways along Gold Crest and reduced the driveways on Allen Lane from two to one. There were two major entrances on Craig Road and then the rest of it was all internally focused along the main street area that connected Craig Road over to Allen Lane and on the north side there was a retail center and on the south side was residential. There was also another main spine running north/south, to create a cohesive pedestrian realm where there was a potential grocery store and bank. There are stores running along the street with the pedestrian realm and there are two major plaza areas where people can sit, spend time, and enjoy the ambiance of their neighborhood. Within the residential portion, which was a gated residential area, there were multiple recreational amenities with three pools, outdoor exercise and play areas, and clubhouse. Mr. Garcia stated they could accommodate Staff's suggestion to add more parking but it would reduce the open space, which they did not want to do and suggested amending Condition No. 3, to add: "or a parking study approved by the City's Traffic Engineer," which would give an opportunity to fine tune the parking in the residential area to make sure there was adequate guest parking. Along Craig Road there was currently a 30 foot buffer, as Staff indicated, where 25 feet would normally be required. He explained the landscape buffer was already in excess of what was required and Staff was suggesting 45 feet and he felt that was

excessive because they had given up more than anybody typically had to accommodate some trees. He stated in the final development plan, they would like to try to accommodate some half tree diamonds in the parking areas and suggested they could increase with half tree diamonds in the parking areas with five feet of additional landscaping for a total of 35 feet and add the half tree diamonds. On the south portion where there are homes abutting the southern property, there was a 100 foot set-back to the corners of these buildings, and if you go back to the other corner, of course, it's even further. Buildings six and seven were 200 feet back and that, combined with the fact that along the perimeter there was a 30 foot wide landscaped area with a double row of trees and a trail, and we told the neighbors we would be happy to do the eight foot wall, some asked for 10 foot high walls. They indicated to the neighbor they did not think that was desirable or attractive, but if that was the City's desire, they would put in a 10 foot wall. The project had great internal pedestrian circulation with trails connecting through it as well as the pedestrian realm that ran through the commercial area.

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

- **Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032** stated in May of 1995, the residents of Gold Crest, which was the adjacent subdivision, found out that it had not been disclosed that there was a resolution of intent to place multi-family in two main parcels within the PUD; so, at that time, Gold Crest and the surrounding neighbors joined forces and worked with Barry Becker, who was representing the Leid Foundation Trust, the original owner of the property, and the one who had come through with the PUD, and reached an agreement, which was for the PUD to have the condition that residential would not be built on that parcel. She stated it was true that there was a recent application by Engle Homes to put residential on that parcel and the neighborhood did not speak out which was because Engle Homes was coming forward with an application for single story, which was compatible with the neighborhood and what was now being presented was not compatible. This proposal sets up a serious problem in several areas. First of all, it leaves us with residential, commercial, residential, commercial, which was not harmonious or good zoning and it left a six acre commercial parcel that was going to be surrounded by residential on three sides. By the time it met the set-backs from the residential on all three sides, there would not be much property left to develop and far as the MUD, the initial application started out as a vertical MUD with eighty percent of it being vertical, but the developer could not make it work, so they came in with what they call a horizontal MUD; however, after looking at the MUD Ordinance, the horizontal mixed use was retail, office and residential all together. Title 17.20.230B.2 states "horizontal mixed use projects incorporate different land uses within adjacent buildings on the same site." The proposed horizontal plan does

not meet that intent as it has a section for commercial and a section for residential and nothing was integrated or intermixed. Ms. Wood asked the Commission to listen to the history, understand how concerned the residents were and follow the recommendation of Staff.

- **Carol Kilgore, 4040 Bola Drive, North Las Vegas, NV 89032** agreed with the comments of Anita Wood. She also felt it was important to realize there was an elementary school at the corner and they eliminated two or three driveways coming out by the elementary school but now had them on Allen Lane, which would have the traffic going through the existing subdivision which was too big a load for the neighborhood and there were some promises and agreements that had been made over the past and the neighborhood with Leid Foundation and Becker and everybody realized when you go into this area, this would be the only development like it that would not be single story. Had the developer done their due diligence when they purchased the property, they would have known they had this problem before they purchased.
- **Blake Rosser, 2620 West Horizon Ridge Parkway, Henderson, NV** appeared representing the six acres adjacent to the project. He stated Engle Homes had come in originally, and submitted on the 20 acres, all residential, which would have boxed in the area where his parcel was located. Due to the fact that it was gonna be residential and commercial and then residential again, the Commission denied the application. We were able to work with the applicant who agreed to move the commercial to the corner. With the new proposal, they were concerned their property would be left freestanding and if the PUD was broken, they would lose their rights under the PUD to have the whole parcel looked at as 26 acres. He stated they tried to work with the applicant on a sale but had not come to an agreement and if the current application was approved, their property would virtually be unusable. Mr. Rosser agreed with comments made by Anita Wood. One of the biggest concerns was if they went back to the original design, and took into account the shape of their parcel, they were only 207 feet at the back of the property at the corner next to the existing homes, and with the separation, the applicant was talking about, with mixed use, they would not be able to do mixed use. They would lose all of their commercial capabilities due to what they're trying to do because you're not allowed to do more than, I believe, 75% commercial under the MUD, according to Staff's report. There was also a concern regarding ingress/egress as they would lose the capability of being able to have the 26 acres flow together, so the way they have their property aligned, along with the set-backs, Mr. Rosser's property would be in a small little envelope. He asked Staff and the Commission to recognize he was willing to implement the six acres with the 20 acres so it was looked at as one project and he was in support of any mixed use, as long as his parcel was taken into

the same considerations; but, believed the density they were putting in and the fact that the applicant was alienating his parcel, impacted him in a negative way; therefore he was opposed to the application.

- **Patrick Nelson, 4207 Oak Bay Way, North Las Vegas, NV 89032** felt the rezoning would hurt the area and it was his understanding the PUD zoning that was approved last year and in previous years, was to make the property consist of single family one story homes, which conforms to what was already there. He objected to the possibility of condominiums and two and three story building and was concerned about the additional traffic that condominiums would create this close to the elementary school and the traffic on Allen Lane and Craig Road and the condos could be detrimental to the existing values of the surrounding homes.

Chairman Carvalho closed the Public Hearing.

Mr. Garcia explained there were two driveways that would have an impact on Allen Lane. The plan has five driveways, two on Allen Lane and three on Gold Crest. The plan was changed to have one driveway on Allen Lane, so there would be minimal impact on the neighborhood. On the current plan, as designed, if it were to be built, the trip generation was almost 15,000 trips per weekday and the proposed project would generate about half of that, just barely over 7,000 trips per weekday, which was a significantly reduced impact on the neighborhood in terms of any impact on Gold Crest, Craig or Allen. Mr. Garcia explained the City determined mixed use was appropriate when it designated the corridor on their property for mixed use and under the Development Standards, one of the requirements for mixed use, minimum height for the community center type of mixed use was 35 feet high and they were at the low end of the spectrum for mixed use and were trying to be as compatible as possible, whether it was the commercial where they were roughly 30 to 35 feet high with a couple of vertical elements beyond that or their low rise buildings which were three stories but, to the very peak of the building was about 35 feet 7 inches, so the actual height would be a little bit below that, so they were at the bare minimum for mixed use, which had already been deemed to be appropriate according to the Comprehensive Plan. Mr. Garcia responded to one of Ms. Wood's comments regarding the MUD. He explained they comply with the MUD, as they have different uses on the same site within adjacent buildings with office, retail, residential, both vertical and horizontal and both types of mixed use were encouraged by the City. He stated they had contacted Clark County School District who indicated the school was not overcrowded and they did not have a problem with the project going forward.

Mr. Curran stated it seemed there were two choices. One choice was to go with what was previously approved on the property, which the neighbors did not like. They held four neighborhood meetings and listened to the concerns and came back with a plan to address them. Instead of having truck traffic in the back along the single-family homes, with the

night-time garbage pick-up and they set the development as far back as possible, so that there would be minimum impact to the residents. Mr. Curran was not involved in any of the discussions with Mr. Rosser but was told his client had done everything, within reason, to acquire the property so it could be integrated into the project; but, they can't submit to being held hostage and the applicant needed to move forward. He explained they had an irregularly shaped parcel, so there were design constraints that Staff has put heavy conditions on as far as landscaping along Craig Road. The fact that the property has been before the Commission several times indicates developers continue to try to find a design that can work. Mr. Curran stated this was a viable project that could work and his client was able to go forward with it and they have been sensitive to the neighbors with the design.

Mr. Garcia stated there were only two conditions they would want to modify, and that was Condition Nos. 3 and 4. On Condition No. 3, the only thing they would ask for was the opportunity to do a parking study approved by the Traffic Engineer and asked to add, "unless otherwise approved by a parking study approved by Public Works, and the Traffic Engineer," to the end of the condition and on Condition No. 4, he asked that it be amended from 45 feet to 35 feet. Otherwise, he concurred with the suggested conditions proposed by Staff.

Mr. Jordan stated if there was a desire to approve the application, referring to Condition Nos. 3 and 4, as stated by Mr. Garcia, Staff would have different language to recommend that would be consistent, and would read it into the record at the appropriate time.

Commissioner Steve Brown stated he liked the project, but agreed with Staff's concerns over some of the other issues. Commissioner Brown asked for clarification on the abandonment of the PUD, asking if the PUD was abandoned or the property was sold.

Mr. Curran explained a final development plan was never approved for the PUD, that it was a preliminary approval and the PUD was never accomplished.

Commissioner Brown asked if it was soft zoning.

Ms. Parry explained there was also some discussion in the Nevada Revised Statutes 278 that talked about Plan A, when someone abandons a project. It was interesting that here, officially the PUD is abandoned when the property owner writes a letter and says they are abandoning it. But, practically, usually when people sell off their property and decide not to develop something, they usually just kind of wash their hands of it and say, "good luck, it's your problem now."

Commissioner Brown asked if the zoning was only soft zoning. Ms. Parry responded it was only soft zoning.

Mr. Garcia explained there was a two step procedure required for all PUD's. There was a preliminary development plan and a final development plan. This project has never, on this property, had a final development plan; therefore, just like all the prior plans that the neighbors appeared on, never came back with a final development plan; therefore, all those changes that proceeded us were able to occur because there was no final development plan.

Commissioner Brown asked how the property was zoned C-2.

Planning & Zoning Director Jory Stewart asked for clarification from the City Attorney as she had not heard of soft zoning being referred to a PUD. At the time of zoning, when you apply for zoning to a PUD, the zoning was to PUD and the file that contained the plan was the zoning file. What was recorded on the zoning map was a PUD and the plan of record in the PUD file for that zoning action was the commercial mall that was shown a couple of times. In the interim, there have been a couple of different proposals come forward to move the storage unit from the middle portion of the site to the corner and then back. The PUD was never acted upon, so the only PUD in place was the original one with Leid Institute with the commercial shopping center.

Commissioner Brown asked if that was the one shown with Lowe's. Director Stewart responded that was correct and stated she did not understand the soft zoning, as the property was a PUD.

Mr. Jordan explained a good example of that was the Aliante Casino that was on the agenda. It was a PUD, which was approved three or four years ago, and it took them three or four years to come before this Commission with the final development plan. The applicant was not expected to come in immediately with the final development plan.

Ms. Parry agreed with Mr. Jordan. State law enables each jurisdiction to create their own PUD ordinance that would show how each entity was going to process their applications. It talks about first a preliminary approval, which was similar to what was received and there's another part of it that comes back in where you bring your final plan, if you are consistent with what was originally approved, you can do it administratively without a public hearing.

Commissioner Brown asked if they were using the second step to change the zoning to an MUD. Ms. Parry responded it would be the first step and then they would come back with a final development plan.

Director Stewart stated this was a request to rezone to a Mixed Use Development, MUD, rather than a PUD.

Commissioner Brown asked if rezoning would abandon the PUD that affected the property. He mentioned a couple of different pieces of property, which had before the Commission where there were multiple property owners and nobody could agree on what was being developed and thought it had amended the PUD.

Mr. Jordan explained the property at Lone Mountain and Simmons was a small lot development that was approved where the PUD was simply amended. The PUD never left, it was always in place.

Commissioner Brown asked if the applicant could request an amendment to the PUD on this piece of property.

Mr. Garcia pointed out, it had been made clear them, as applicants, that if they were going to do a mixed use project, the property should be rezoned to an MUD. The project could be submitted and processed as a PUD, but the preference had been to bring it in under an MUD. He stated the proposed project was a good quality project that met what the City wanted and it accomplished all the goals for mixed use district ordinances, as identified in the Comprehensive Plan.

Mr. Curran explained zoning was a study in flexibility and changing and reacting to changing times and changing circumstances. If you say, once a property has been zoned a PUD, it was stuck forever, that was like a fly that was stuck in amber, you've just about killed a piece of property and that was not the way zoning worked.

Commissioner Brown stated he would like to see a project on that site that worked so the residents would be happy and the property could be developed.

Director Stewart agreed with Mr. Curran, stating there were many rezoning considered. She was trying to point out, with regards to the PUD, what was originally reviewed by the Planning Commission in the past, and the neighborhoods in this area, was that, that's the PUD that they're relying on and Staff was very troubled as they reviewed the application. Staff liked the concept of the development, the MUD, but were concerned how the neighborhood would feel about the proposal when, in the past, they relied on a PUD that not only encompassed the site before you tonight, but the six acres to the west and then you have a separate property owner, unfortunately, because there were separate parcels involved in the PUD and, so, how are they impacted by development that is not encompassing their remaining six acres, when it was originally considered as one larger piece of land. She explained Staff was very troubled over this, and there was no easy solution and the biggest problem had been the remaining six acres which would be an irregularly shaped lot and she did not know how it would be developed.

Mr. Rosser stated he had a letter from the applicant asking them to break or amend the PUD and his biggest concern was that their six acres would not get treated the same. He indicated they had previously had dealings with several developers and had not been able to come to an agreement as to how the property would be developed and was concerned if the application were approved, he would not be able to develop his property and asked that the PUD be kept in place and amended and they would go along with mixed use zoning that allowed them to do a similar design.

Deputy City Attorney Nick Vaskov added there may be a little bit of a disagreement over what the particular statute says and how it should be read, whether it should be read somewhat narrowly or somewhat more broadly; but, the issue is a legal question. He explained the Commission had the discretion to make the requested zone change and the applicant who bought into the original PUD under its original conditions may have relied on that and so, if you're gonna make changes, take those types of things into consideration; but, the Board does have discretion to make amendments or to deny them.

Commissioner Brown stated due to comments made by the adjacent property owner, he was not in support of the application.

Mr. Garcia explained there had been many attempts to work with the adjacent property owner with no success. The property owner was being held hostage and needed to move forward with his project.

Mr. Curran stated the property owner was present and would like to address the Commission.

Commissioner Jo Cato stated she understood the parcel was difficult to develop and also understood the adjacent property owners' concern regarding the change to mixed use; but, felt it had been forgotten the residents that were in the adjacent area were opposed to the development. She also felt the school was overcrowded and was not in support of the application; however, she did like the design

Ebbie Nakhjavani, 245 East Warm Springs Road, Las Vegas stated several reputable firms had come before the Commission with residential zoning on the project. Also, the previous owners had dealings with the adjacent landowner and suffered from the fact that there was economical interest in relocating and exchanging the six acres. He stated he felt the heavy weight of being held hostage by the adjacent landowner because it always came down to that in every negotiation, that unless you spearhead and get me to the corner and at my terms, I can go to the City and negate your project and not let it go through. He stated they clean the property up almost on a monthly basis with a significant amount of nuisance and he would like to see something developed on the property. There has been

a lot of effort made to negotiate with the adjacent property owner but you cannot negotiate with something that keeps changing and previous developers have brought many successful projects to the City and they could not make this one work, by and large because of not being able to put a business plan together and not willing to pay ransom money to the adjacent property owner. He asked for approval so he could move forward and develop the property.

Commissioner Harry Shull agreed with Commissioner Brown and thought it was a great project. He felt the single-family project that was approved with less units, would impact the schools more than the proposed one and two bedroom apartments. Commissioner Shull pointed out there were only three residents from the community who showed up in opposition and there were several hundred homes in the community. He stated he liked the project and this was the kind of change the City was looking for.

Commissioner Jay Aston asked if the adjoining property owner were to decide to come in and make an application to be a part of this MUD, if that could be done separately or if it would it have to be done in conjunction with the current application.

Mr. Jordan explained they would not be able to do that separately but could come in for a mixed use district like the current applicant, and propose their own on their own, but they could not amend the applicant's application without their permission. So, it would have to be a joint application. He explained they could revise their plan and show how it would integrate with the current project. Later, if the person with the six acres wanted to be part of the Mixed Use District, they would both have to come in, sign on the application and show how they were going to amend the MUD to include the six acres and show how the six acres would be integrated.

Commissioner Aston stated if that were to happen, then the landscape that would be between the two of them could more than likely go away on both sides of the property line, so, it could be advantageous to both property owners to work out some kind of a deal for a mixed use development in a Phase A and a Phase B, one landowner being phase A and one landowner being Phase B, then there would not be an issue with one landowner being landlocked.

Deputy City Attorney Vaskov added it was his understanding from conversations with the applicant that they had made good faith efforts to try to convince the other owner to do that, it just did not work out.

Commissioner Aston asked Mr. Rosser to respond to the comment made by Deputy City Attorney Vaskov. Mr. Rosser responded that he had a record of the dealings with all of the developers and was not holding the applicant hostage.

Commissioner Aston asked Mr. Rosser if he was willing to go into a mixed use development with the same conditions as the current applicant. Mr. Rosser responded he would, as long as he did not have to have any issues with ingress/egress. They were not too far off on the value and thought they could make it work. Commissioner Aston stated the solution he was recommending wiped the value out the door. Mr. Rosser responded they were prepared to bring something in, but, because of the offer, they held off.

Director Stewart stated anything could work if both property owners were willing to come to an agreement.

Commissioner Aston stated he was leaning toward an approval.

Mr. Rosser stated if a continuance was granted, they would sit down with the applicant and iron out a plan.

Director Stewart reminded the Commission the public hearing was only advertised for a portion of the site; so, the PUD could not be amended at this meeting.

Commissioner Aston did not think the applicant would be willing to continue the application, as that would hold the application up for another month.

Mr. Curran stated they always try to find a way to get along and work with their neighbors and work with everybody, but was afraid under the circumstances, they could not hold the application any longer. The holding cost of the property was like parking money. Mr. Curran stated he was told the adjacent property owner was now going to concede to the very thing he had refused to do in the past months and asked to be able to move forward to City Council and if Mr. Rosser wished, he could file his application, get it into the system, and they could try to go forward that way; then there was something on paper, a record, something that everybody could be aware of and they could see if it was real.

Commissioner Aston asked Deputy City Attorney Vaskov if that was acceptable. Deputy City Attorney Vaskov responded it was a possibility. He did not know the timing, but, if Mr. Rosser submitted his application, they would work with it.

Commissioner Aston as if the application were approved, when it would be heard by City Council. Mr. Jordan responded he would be introduced at the second meeting in January and heard at the first meeting in February

Commissioner Aston asked if City Council had the ability to make minor adjustments relative to the two properties if the adjacent property owner were to make his application.

Deputy City Attorney Vaskov responded that was a tricky question; because, in order to make the two pieces whole, it would probably require some pretty significant changes to the site design. So, in a perfect world, they would have come together as sort of one MUD and that's what Staff was hoping for all along and the property owners could not get on the same page.

Mr. Curran explained to Mr. Rosser that a lot of property had been used for the landscape buffer and he would be required to use a lot of his property to buffer himself. If the property was developed jointly, that buffer area would not be needed. Also, there were opportunities for connectivity, where there could be joint access and they would also benefit because they would have access from Craig Road

Mr. Rosser responded the access would be on Allen Lane not Craig Road, but the plan also showed private gates, so there would be some concern about the private gate access.

Commissioner Dilip Trivedi stated he concurred with Commissioner Aston and indicated it would be nice if they could move forward without penalizing the owner of the six acre parcel.

Chairman Carvalho was in support of the project and wanted to see the property developed as there were illegally parked vehicles and debris on the property continuously.

Commissioner Shull stated he was ready to make a motion and asked Mr. Jordan to read the recommended changes into the record.

Mr. Jordan stated on Condition No. 3, where they were talking about parking and Mr. Garcia indicated a traffic study, the MUD District actually already talks about reducing parking and so there was language in there already; so he suggested the following wording be added to the end of the conditions: "or as shown with the parking impact study, subject to review and modification by the City of North Las Vegas Traffic Engineer."

Mr. Garcia stated that was acceptable.

Mr. Jordan stated Condition 4 would be amended to read: "In order to install trees within the landscaping next to Craig Road, additional six foot wide landscape islands shall be provided for every five parking spaces and at the end of all parking rows adjacent to Craig Road between Pad "B" and Building "C." He explained if you looked at the site plan, if they were to simply add some additional landscape islands, they could get the trees in there and get them away from the drainage easement and it would only require moving a couple of parking spaces. The second sentence would be, "In the area between Pad "A" and Pad "B," trees are required to be planted 20 feet on center adjacent to the drive aisle." Mr. Jordan explained, there were some minor modifications that could be done to that area

to be able to get trees in there without really changing locations of the buildings. It might require a reduction in a parking space, but it would probably be able to fit in the parking study and then they would add a third sentence to read: "The only exception to providing trees along Craig Road, is where the building is located at the minimum set-back." The applicant would not be required to move those buildings back any further.

Mr. Garcia stated the proposed language was acceptable.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL WITH CONDITION NOS. 3 AND 4 AMENDED TO READ:

3. A MINIMUM OF 776 PARKING SPACES SHALL BE PROVIDED ON THE SITE IN WHICH 590 PARKING SPACES SHALL BE DESIGNATED FOR THE RESIDENTIAL USE, OR AS SHOWN WITH A PARKING IMPACT STUDY SUBJECT TO REVIEW AND MODIFICATION BY THE CITY OF NORTH LAS VEGAS TRAFFIC ENGINEER.
4. IN ORDER TO INSTALL TREES WITHIN THE LANDSCAPING NEXT TO CRAIG ROAD, ADDITIONAL SIX-FOOT WIDE LANDSCAPED ISLANDS SHALL BE PROVIDED FOR EVERY FIVE PARKING SPACES AND AT THE END OF ALL PARKING ROWS ADJACENT TO CRAIG ROAD BETWEEN PAD "B" AND BUILDING "C." IN THE AREA BETWEEN PAD "A" AND PAD "B" TREES ARE REQUIRED TO BE PLANTED 20 FEET ON CENTER ADJACENT TO THE DRIVE AISLE. THE ONLY EXCEPTION TO PROVIDING TREES ALONG CRAIG ROAD IS WHERE A BUILDING IS LOCATED AT THE MINIMUM SETBACK.

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: Vice-Chairman Brown and Commissioner Cato

ABSTAIN: None

21. UN-111-06 (27594) RYAN'S EXPRESS MODULAR OFFICE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RYAN'S EXPRESS TRANSPORTATION ON BEHALF OF 340 SUNPAC LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A MODULAR BUILDING FOR TEMPORARY OFFICE SPACE. THE PROPERTY IS LOCATED AT 1637 WEST BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-16-201-007. (CONTINUED NOVEMBER 8, 2006)

The application was presented by Robert Eastman, Principal Planner who stated the application was for a temporary modular building to be used as an office. Previously, the application was held, as the applicant could not prove construction was eminent, which was a requirement for a temporary office building. The applicant had submitted building plans, which were in process in the Building Department; therefore, Staff was recommending approval of UN-111-06 subject to the conditions listed in the revised memo as follows:

1. That, unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances, and the Industrial Development Standards and Design Guidelines,
2. That the temporary trailer shall be generally located as indicated on the site plan, unless otherwise approved by staff.
3. That the trailer shall not be larger than 24' x 44'.
4. That the trailer shall be ADA-compliant.
5. That the trailer cannot be installed and open for business until such time that a building permit is issued for a temporary building.
6. That UN-111-06 shall expire on December 13, 2007.
7. That a minimum of fourteen (14) parking stalls be provided.
8. That all areas where vehicles will be driven, stored and/or moved shall be paved. Said paved areas shall be appropriately identified on the submitted building plans.
9. Some type of physical barrier, subject to staff review and approval, shall be installed along the edges of the pavement and identified on the building plans.
10. The finished floor elevation must be at or above the finished floor elevation of the existing building.

11. The property owner is required to grant a roadway easement for commercial driveway(s).
12. The property owner is required to sign a restrictive covenant for utilities.
13. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.

Bob Andrews, of Ryan's Express, 1637 West Brooks Avenue, North Las Vegas, NV 89032 appeared on behalf of the applicant stating he concurred with Staff recommendation.

Commissioner Steve Brown left Chambers at 8:53 p.m.

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

Chairman Carvalho closed the Public Hearing.

Mr. Andrews referred to Condition No. 8, stating the area mentioned was already asphalt.

Mr. Eastman explained if the applicant was in compliance with the condition, he did not have to do anything additional.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

22. UN-112-06 (27611) SO. NV WOMEN'S CORRECTIONAL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KGA ARCHITECTURE IN CARE OF DARCEY WENZEL ON BEHALF OF THE STATE OF NEVADA DIVISION OF LANDS, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN EXPANSION OF THE SOUTHERN NEVADA WOMEN'S CORRECTIONAL CENTER. THE PROPERTY IS LOCATED AT 4370 SMILEY ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-32-201-001. (CONTINUED NOVEMBER 8, 2006)

The application was presented by Jeremy Davis, Planner who stated Staff was recommending approval of UN-112-06 with the deletion of Condition Nos. 3 and 7. The original conditions are as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Provide a revised site plan showing
 - a) Nine (9) additional landscape islands of six (6) feet in width between the parking rows.
 - b) The required ADA parking spaces per standards.
4. Submit a copy of landscape plan showing
 - a) A minimum ground coverage of 60%, achieved within two years.
 - b) Additional landscaping along the front on Smiley Road, and along the corner side Novak Lane to create a gradual, more natural transition between the open space and the new development.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. Provide a detailed parking study for the review and approval of City's Traffic Engineer.
8. Revise the mislabeled US-95 on the plans as I-15.
9. The property owner shall grant a roadway easement for commercial driveway(s).

10. The property owner shall sign a restrictive covenant for utilities.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Lamb Boulevard.
13. The public street geometrics, width of over-pave and minimum acceptable thickness of the pavement sections will be determined by the Department of Public Works.
14. 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.
15. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
16. 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.
17. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
18. Fire access lanes shall be designed in accordance with the Fire Code.
19. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Commissioner Steve Brown returned to Chambers at 8:56 p.m.

Darcey Wenzel of KGA Architecture, 4495 South Polaris, Las Vegas, NV 89103 appeared on behalf of the applicant stating they had already complied with Condition No. 8 and stated she concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 3 AND 7 DELETED

MOTION: Commissioner Aston

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

23. UN-106-06 (27381) ARCO AM/PM (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BP WEST COAST PRODUCTS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT 2000 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-805-001. (CONTINUED OCTOBER 11 AND NOVEMBER 8, 2006)

The application was presented by Robert Eastman, Principal Planner who stated previously the applicant had received a variance to allow a reduction in the front set-back to 10 feet for the proposed building, so the building orientation and location would remain as shown in the site plan. However, the remaining portions of the site, including the landscaping along Cheyenne Avenue and Civic Center Drive were not approved with the variance, as shown; therefore, Staff feels the site should be redesigned to show the additional landscaping along Civic Center Drive and Cheyenne Avenue. Additionally, the building architecture does not comply with the Commercial Design Standards and needs to be redesigned to have additional articulation and parapets to help screen equipment for the building. Staff was recommending that UN-106-06 be continued to allow the applicant time to redesign the site and the building architecture. Should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That UN-106-06 is site specific and non-transferable.
3. Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. Principle building shall be oriented to the corner and to the street front.
 - b. A minimum 25 feet of perimeter landscaping which includes a meandering sidewalk shall be provided along Civic Center Drive and Cheyenne Avenue.
 - c. Sidewalks shall be located at least six feet away from the facade of the building to provide foundation landscaping.
 - d. Refuse collection areas shall be screened through use of landscaping to better integrate the structure into the site and must have a roof cover.
 - e. Building elevations shall incorporate jogs, offsets or other architectural features to reduce the visual length of long walls.
4. The property owner is required to grant a roadway easement for commercial driveway(s).

5. The property owner is required to sign a restrictive covenant for utilities.
6. 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.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Cheyenne Avenue and Civic Center Drive.
9. 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.
10. 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.
11. Approval of a drainage study is required prior to submittal of the civil improvement plans.

Ken Ballard, 1950 East Warm Springs Road, Las Vegas, NV 89119 appeared on behalf of the applicant stating when the application was originally approved at the Redevelopment Agency meeting, there was discussion regarding the shortcoming on the landscaping along both Cheyenne Avenue and Civic Center Drive. Before the application was heard by the Redevelopment Agency, the applicant met with Redevelopment Staff and presented an alternative landscape plan that still had the same depth of landscaping. They proposed date palm trees that meet the same conditions as the site directly to the south and relocated the trash enclosure to be screened by the landscaping. Mr. Ballard indicated they had tried moving the building to different locations on the site, but were not able to comply with the landscaping requirements. He stated the Redevelopment Agency's approval of the variance was based upon the best location of the store.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Jay Aston asked Staff if the recommendation for continuance was based on the lack of landscaping and the proposed elevations. Mr. Eastman responded the

recommendation was based on the building architecture and the proposed landscaping along Civic Center Drive and Cheyenne Avenue. He explained Staff was not against the orientation of the building, as that was addressed during the Redevelopment Agency meeting. Commissioner Aston asked if the landscaping and the elevations would be handled with the recommended conditions. Mr. Eastman responded they could.

Mr. Eastman stated, if it was the Commission's desire to approve UN-106-06, since the Staff Report was written prior to approval of the variance, Staff recommended that Condition No. 3.a be deleted.

Commissioner Jay Aston left Chambers at 9:10 p.m

Commissioner Aston returned to Chambers at 9:11 p.m.

Chairman Carvalho asked the applicant if he was in concurrence. Mr. Ballard responded he concurred.

Commissioner Shull left Chambers at 9:12 p.m.

Mr. Ballard asked if the motion was to approve the application as presented, with landscaping as shown on the site plan.

Commissioner Aston stated the application would be approved with the conditions recommended by Staff. Staff would have the ability to review the plans and the architecture, as submitted.

Mr. Ballard stated he would agree to the architecture of the building. He discussed enhancement of the architecture with the applicant and he was agreeable, but as far as the landscaping, he did not feel it could be increased due to the circulation of the traffic on site.

Commissioner Shull returned to Chambers at 9:14 p.m.

Commissioner Aston asked if Staff had seen the current landscape plan. Mr. Ballard responded the plan was the same, except for the location of the trash enclosure and the date palms. Commissioner Aston stated Staff had not reviewed the plan, so it would be reflected in the conditions of approval. Mr. Ballard agreed, but did not feel the landscaping could be increased. Commissioner Aston asked which condition addressed the landscaping. Mr. Eastman responded Condition No. 3.b required that the applicant increase the landscaping to comply with the Commercial Design Standards. Commissioner Aston asked if at the end of Condition No. 3.b, the wording, "or as reviewed by Staff, per site conditions," could be added. Mr. Eastman responded the site plan presented showed approximately 10 feet of landscaping, including the sidewalk along Cheyenne Avenue and

approximately 12 to 13 feet along Civic Center Drive, so the amount of landscaping required by the Design Standards was more. If the Commission wished to approve the reduction in landscaping and approve the traffic pattern in the parking lot, Public Works had an additional condition for medians along Civic Center Drive to help reduce cross traffic on Civic Center, which would create traffic impact from the site. If the landscaping were reduced, there would be an additional condition.

Commissioner Leavitt stated he attended the Redevelopment Agency meeting and that Board seemed to be comfortable with the proposed landscaping. The applicant provided palm trees to blend with the new commercial development to the south, so he would be in support of the application with the set-back as proposed by the applicant.

Mr. Ballard stated he would be willing to add the addition of date palms in the landscaping as a condition, as it was not added at the Redevelopment Agency meeting.

Planning & Zoning Director Jory Stewart asked the applicant if he had quantities and spacing of the date palms. Mr. Ballard responded the date palms would be placed 15 feet on center.

Commissioner Shull asked the height of the palm trees. Mr. Ballard responded they would match what was in the landscaping on the property to south.

The item was trailed to allow Staff to amend conditions.

Director Stewart asked Public Works if they would like to discuss the condition on Civic Center Drive, if the landscaping was put in place. Eric Hawkins of Public Works explained the median should be in place, because the spacing from Cheyenne Avenue to the driveway on Civic Center Drive would be substandard, according to Code. If the median were to go in, it would be a partial access drive, which would be conforming to Code. There should be a two foot wide median for the left turn lane going southbound on Civic Center.

Chairman Angelo Carvalho trailed the item.

Item No. 24 was heard next.

Returned to the hearing on UN-106-06.

Mr. Eastman stated Condition No. 3.a would be deleted, Condition No. 3.b would be amended to read: "Landscaping shall be provided along Civic Center Drive and Cheyenne Avenue as shown on the submitted site plan," Condition No. 12 would be added to read: "Canary island date palms with a minimum height of 20 feet to the base of the fronds shall

be located 15 feet on center along Cheyenne Avenue and Civic Center Drive,” Condition No. 13 would be added to read: “A two foot median shall be installed within Civic Center Drive along the length of this site.”

ACTION: APPROVED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION WITH CONDITION NO. 3.A DELETED, CONDITION NO. 3.B AMENDED AND THE ADDITION OF CONDITION NOS. 12 AND 13 TO READ:

- 3.B. LANDSCAPING SHALL BE PROVIDED ALONG CIVIC CENTER DRIVE AND CHEYENNE AVENUE AS SHOWN ON THE SUBMITTED SITE PLAN.
12. CANARY ISLAND DATE PALMS WITH A MINIMUM HEIGHT OF 20 FEET TO THE BASE OF THE FRONDS SHALL BE LOCATED 15 FEET ON CENTER ALONG CHEYENNE AVENUE AND CIVIC CENTER DRIVE.
13. A TWO FOOT MEDIAN SHALL BE INSTALLED WITHIN CIVIC CENTER DRIVE ALONG THE LENGTH OF THIS SITE.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Mr. Eastman reminded the Commission that the application would be forwarded to the Redevelopment Agency for final consideration.

The Public Forum was heard next.

24. UN-114-06 (27745) TUTOR TIME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AMERICAN CHILD CARE PROPERTIES LLC ON BEHALF OF C.P. DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CHILD CARE CENTER. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF SIMMONS STREET AND CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-08-406-004. (CONTINUED NOVEMBER 21, 2006)

The application was presented by Marc Jordan, Planning Manager who stated the applicant had met with Staff to address some of their concerns. Staff is recommending approval of UN-114-06 with Condition No. 6 amended to read: "All parking stalls that abut a sidewalk and along the southerly side of the facility shall be provided with wheel stops," and Condition No. 8 would be deleted. Staff had talked to the applicant and did not realize there was a grade difference in elevation, so they would need to install a retaining wall, which would help serve as a barrier for automobiles. The location of the child play area would be changed to meet the 20 foot set-back, which the applicant was in agreement with and some of the safety precautions requested in the landscaping, such as large boulders and mature trees. The original conditions listed in the Staff Report 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. That the applicant must comply with the applicable conditions of approval for Resolution #1925 (ZN-8-97, Revised 8/4/99.)
3. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. landscape islands shall be provided at each end of all rows of parking.
 - b. the trash enclosure shall be constructed to match the building in design, materials and colors, including a roof.
4. The use permit is site specific and non-transferrable.
5. Special consideration shall be given to the landscaping between the street and the play areas. Large boulders (minimum 4,000 pounds), mature palms trees (minimum 15 feet between the fronds and top of the root ball), decorative concrete wall with vertical and horizontal rebar, and/or bollards shall be incorporated into the design of the landscape area. The spacing between the selected items shall not exceed

eight feet (8.00') on-center. The selected items shall be reviewed and approved by Planning and Zoning Department prior to submittal of the civil improvement plans and the approved items shall be properly identified on the applicable construction plans.

6. All parking stalls that abut a sidewalk shall be provided with wheelstops.
7. The ADA-accessible route(s) from any adjacent public way shall not be in-lieu of any required landscaping and shall be properly delineated on all appropriate plans.
8. A sidewalk shall be provided between the southern side of the facility and the abutting parking stalls.
9. The area south of the trash enclosure shall be landscaped as part of this project. All appropriate authorizations shall be provided to staff prior to the issuance of any building permits.
10. The play areas, buildings and parking areas shall maintain a minimum 20-foot setback from adjacent rights-of-way.
11. At least one pilaster shall be provided for every 20 linear feet of wrought-iron fence. The pilasters shall be designed to match the building in colors and materials, including, but not limited to, a decorative cap element.
12. The site plan and conceptual landscape plan submitted herein are approved in concept only and are not binding. Modifications are expected in order for the site to be in compliance with all conditions mentioned herein.
13. The applicant is required to comply with all requirements set forth in the attached memorandum from the Clark County Department of Aviation.
14. Approval of a drainage study update is required prior to submittal of the civil improvement plans if the proposed finished floor elevation does not match the approved elevation.
15. The applicant shall submit a traffic study update for review and approval.
16. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Simmons Street.
17. The public street geometrics, width of over-pave and minimum acceptable thickness of the pavement sections will be determined by the Department of Public Works.

18. 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.
19. 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.
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. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.

John Vornsand, 2564 Wigwam Parkway #308, Henderson, NV 89074 appeared on behalf of the applicant stating the facility had a capacity for 150 children, ranging in age from infant to 12 years old. The hours of operation would be from 6 a.m. to 6:30 p.m. Monday through Friday and stated he concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Dean Leavitt stated he was not in support of the application as it was located too close to a tavern.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 8 AND CONDITION NO. 6 AMENDED TO READ:

6. ALL PARKING STALLS THAT ABUT A SIDEWALK AND ALONG THE SOUTHERLY SIDE OF THE FACILITY SHALL BE PROVIDED WITH WHEEL STOPS.

MOTION: Commissioner Brown

SECOND: Commissioner Cato

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

NAYS: Commissioners Leavitt and Trivedi

ABSTAIN: None

Item No. 23 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

The was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

APPROVED:

/s/ Steve Brown
Angelo Carvalho, Chairman

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