

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

April 11, 2007

***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

Jeremy Davis, Urban Designer presented a table outlining development proposed along North Fifth Street between the 215 Beltway and Azure Avenue and discussed the need for transit oriented development in that area. (Exhibit 1)

**CALL TO ORDER:**

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

**ROLL CALL:**

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

**STAFF PRESENT:**

Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Naveen Potti, Planner  
Nick Vaskov, Deputy City Attorney II  
Bethany Sanchez, Deputy City Attorney II  
Randy Cagle, PW, Real Property Services Manager  
Eric Hawkins, Public Works  
Janice Carr, Fire Department  
Michelle Menart, Parks Planner  
Jose Rodriguez, Police Department  
Louise Steeps, Utilities Department  
Jo Ann Lawrence, Recording Secretary

**WELCOME:**

Chairman Steve Brown

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

**PLEDGE OF ALLEGIANCE:** Commissioner Ned Thomas

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MARCH 14, 2007.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Chairman Brown

**NEW BUSINESS**

1. **REVIEW OF PROPOSED FIRE FACILITIES IMPACT FEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS REQUESTING PLANNING COMMISSION REVIEW AND APPROVAL OF A PROPOSED FIRE FACILITIES IMPACT FEE PROGRAM AND ASSOCIATED LAND USE ASSUMPTIONS AND FIRE FACILITIES CAPITAL IMPROVEMENT PLAN. (CONTINUED OCTOBER 25, AND NOVEMBER 21, 2006, AND JANUARY 10, FEBRUARY 14, AND MARCH 14, 2007)**

It was requested to continue the Review of proposed Fire Facilities Impact Fee Program indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 15 was heard next.**

**2. UN-31-07 (29362) PRECAST MANAGEMENT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PRECAST MANAGEMENT CORPORATION ON BEHALF OF WILLIAM & LORI DENBESTE TRUST, PROPERTY OWNER, FOR APPROVAL OF A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN OUTDOOR MANUFACTURING FACILITY (PRECAST CONCRETE WALLS). THE PROPERTY IS LOCATED NORTH OF CAREY AVENUE AND APPROXIMATELY 130 FEET WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-15-801-022.**

The application was presented by Marc Jordan, Planning Manager who stated the business currently existed in North Las Vegas off of Frehner Road and were moving to the new location. In reviewing the plans, Staff noted the landscaping proposed along Carey Avenue was approximately five feet in width and the zoning ordinance required 20 feet of landscaping. Because the applicant was utilizing approximately ½ the site and the area to the rear would be left undeveloped, adding an additional 15 feet of landscaping and moving everything back another 15 feet would be a minor change to the plan. In addition, Staff noted they were installing an existing eight foot wall along the north side that would front Carey Avenue and help screen the storage yard. The Fire Department indicated that an adequate fire route had not been proposed for the site; however, that was something that could be reviewed at the time of building permit; therefore, Staff was recommending approval of UN-31-07 with one amendment to the conditions. Condition No. 4.c would be amended to read: "An 8'-0" high decorative perimeter wall (100% opaque) shall be provided to screen the concrete panels from the Carey Avenue right-of-way. Any new wall shall comply with the appropriate Title 17 requirements". He explained there was an existing six foot wall on the site and the intent was not to make them tear down the existing walls to redesign them to make them eight feet, so the existing walls could be left in place. Any new walls must meet the minimum eight foot high requirements. The original conditions recommended by Staff are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the special use permit is site specific and non-transferable.
3. That any expansions to the proposed use shall be subject to Planning Commission approval.
4. The proposed site shall be in compliance with the Industrial Development Standards and Design Guidelines including but not limited to the following:
  - a. The parking lot shall be setback from the property line a minimum of twenty (20) feet and contain a 3'6 inch high screen wall or landscape berm.

- b. Landscaping shall include 60% of ground cover and 24 inch box trees planted at 20'-0" on center.
  - c. An 8'-0" high decorative perimeter wall (100% opaque) shall be provided to screen the concrete panels from the existing industrial parks and the Carey Avenue right-of-way.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
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 Carey Avenue.
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. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
11. 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.
12. 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.
13. All off-site improvements must be completed prior to final inspection of the first building.
14. Fire access lanes shall be designed in accordance with the Fire Code requirements.

The applicant was not present for comment.

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

Chairman Brown closed the Public Hearing.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 4.C AMENDED TO READ:

4.C. AN 8'-0" HIGH DECORATIVE PERIMETER WALL (100% OPAQUE)  
SHALL BE PROVIDED TO SCREEN THE CONCRETE PANELS  
FROM THE CAREY AVENUE RIGHT-OF-WAY. ANY NEW WALL  
SHALL COMPLY WITH THE APPROPRIATE TITLE 17  
REQUIREMENTS.

**MOTION:** Commissioner Aston

**SECOND:** Commissioner Shull

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

**NAYS:** None

**ABSTAIN:** None

**3. UN-32-07 (29369) JIFFY SMOG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LUKEGROUP LLC ON BEHALF OF ARNOLD & EDITH FAMILIAN FAMILY TRUST, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (EMISSION TESTING). THE PROPERTY IS LOCATED AT 7009 ALIANTE PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-20-511-001.**

The application was presented by Marc Jordan, Planning Manager who stated the building was consistent with the design theme of the shopping center and was in compliance with the parking requirements; therefore, Staff was recommending approval of UN-32-07 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances, including the Aliante Commercial Design Standards.
2. This use permit is site specific and non transferrable.
3. A minimum 28 parking spaces shall be provided within the Pad site.
4. The applicant will be required to install and maintain appropriate signage and striping to prohibit parking in the drive aisle.
5. If parking occurs in the drive aisle, this use permit may be revoked.

Mr. Jordan noted that it was shown there was one sign on the building and, according to the Development Agreement, one sign was all they were allowed; so, if they planned to advertise from any other building frontage, it would not be allowed.

**Lawrence Lucas, owner of Lukegroup LLC** appeared on behalf of the applicant stating Jiffy Smog was a DMV licensed emission testing company that had been in business in Clark County for 19 years and indicated there was a need in that area for a smog facility. Mr. Lucas stated he concurred with Staff recommendation.

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

**MOTION: Commissioner Shull**

**SECOND: Commissioner Leavitt**

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

**NAYS: None**

**ABSTAIN: None**

**4. VAC-07-07 (29264) CRAIG COMMERCE CENTER II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FRED KAVLI, PROPERTY OWNER, FOR A VACATION OF THE DRIVEWAY EASEMENT LOCATED APPROXIMATELY 520 FEET WEST OF THE NORTHWEST CORNER OF PECOS ROAD AND CORPORATE CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-01-703-006.**

The application was presented by Marc Jordan, Planning Manager who stated the old driveway easement was no longer needed and a new one would be installed within the same street. Staff has no objection and is recommending approval of VAC-07-07 with Condition No. 1 amended to delete the first sentence. The original recommended condition is as follows:

1. The vacation must record concurrently with the final map. Should the order of Vacation not record within two (2) years from the approval date, the vacation shall be deemed null and void.

**Michelle Gafen, 6345 South Jones, Las Vegas, NV** appeared on behalf of the applicant stating she concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

**ACTION:** APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION WITH CONDITION NO. 1 AMENDED TO READ:

1. SHOULD THE ORDER OF VACATION NOT RECORD WITHIN TWO (2) YEARS FROM THE APPROVAL DATE, THE VACATION SHALL BE DEEMED NULL AND VOID.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Shull

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

**NAYS:** None

**ABSTAIN:** None

**Item No. 7 was heard next.**



5. **AMP-04-07 (29380) NORTHGATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REMOVE TROPICAL PARKWAY BETWEEN DONOVAN WAY AND MARION DRIVE AND TO REMOVE DONOVAN WAY BETWEEN LAMB BOULEVARD AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002, AND 123-29-301-003.**

It was requested by the applicant to continue AMP-04-07 indefinitely.

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

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

6. **VAC-09-07 (29377) NORTHGATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, TO VACATE DONOVAN WAY BETWEEN EL CAMPO GRANDE AVENUE AND TROPICAL PARKWAY AND TO VACATE TROPICAL PARKWAY BETWEEN DONOVAN WAY AND MARION DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002 AND 123-29-301-003.**

It was requested by the applicant to continue VAC-09-07 indefinitely.

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

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 8 was heard next.**

7. **AMP-05-07 (29399) NORTHGATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REMOVE A PORTION OF EL CAMPO GRANDE AVENUE BETWEEN DONOVAN WAY AND ANN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002, 123-29-301-003, 123-29-401-015, 123-29-401-004, 123-29-401-005, 123-29-401-006, 123-29-401-007, 123-29-401-012, AND 123-29-401-013.**

The application was presented by Robert Eastman, Principal Planner who stated Public Works and the Utilities Department had reviewed the proposed deletion from the Master Plan of Streets and Highways and do not have any concerns; therefore, Staff is recommending that AMP-05-07 be approved and forwarded to City Council for final consideration.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant along with **Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169**. Mr. Garcia stated he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 10 was heard next.**

8. **VAC-08-07 (29372) NORTHGATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, TO VACATE EL CAMPO GRANDE AVENUE BETWEEN DONOVAN WAY AND THE I-15 RIGHT-OF-WAY, AND TO VACATE NOVAK STREET AND THE ASSOCIATED DRAINAGE EASEMENT COMMENCING AT EL CAMPO GRANDE AVENUE AND PROCEEDING SOUTH TO THE I-15 RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-401-015, 123-29-401-004, 123-29-401-005, 123-29-401-006, 123-29-401-007, 123-29-401-012, AND 123-29-401-013.**

It was requested by the applicant to continue VAC-08-07 to April 25, 2007.

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

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

9. **T-1288 (29367) NORTHGATE. AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, FOR APPROVAL OF A ONE LOT TENTATIVE MAP IN AN MUD MIXED USE DEVELOPMENT (MX-3) TO ALLOW A COMMERCIAL LOT. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002, 123-29-301-003, 123-29-401-015, 123-29-401-004, 123-29-401-005, 123-29-401-006, 123-29-401-007, 123-29-401-012, AND 123-29-401-013.**

It was requested by the applicant to continue T-1288 to April 25, 2007.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 14 was heard next.**

**10. VAC-10-07 (29379) NORTHGATE PHASE II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, TO VACATE A PORTION OF A CUL-DE-SAC LOCATED ON THE SOUTH SIDE OF TROPICAL PARKWAY AND APPROXIMATELY 950 FEET EAST OF MARION DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 123-29-701-008.**

The application was presented by Robert Eastman, Principal Planner who stated there was a small portion of a cul-de-sac that was still remaining, originally, for a turn-around. This was part of the second phase of the development and has been reviewed by the Public Works and Utilities Departments and Staff is recommending approval of VAC-10-07 subject to the following condition:

1. The vacation is required to record concurrent with the final map. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant along with **Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169.** Mr. Garcia stated he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

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

**MOTION: Commissioner Shull**

**SECOND: Commissioner Leavitt**

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

**NAYS: None**

**ABSTAIN: None**

11. **UN-33-07 (29371) REPUBLIC SERVICES, MRF (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REPUBLIC SERVICES OF SOUTHERN NEVADA FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN MRF, MATERIAL RECOVERY FACILITY, ON APPROXIMATELY TWENTY (20) ACRES OF LAND. THE PROPERTY IS LOCATED AT 333 WEST GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-10-301-003.**

Commissioner Ned Thomas stated he would be abstaining as the company he worked for did business with Republic Services.

Commissioner Thomas left Chambers at 6:25 p.m.

The application was presented by Naveen Potti who stated the applicant was requesting a use at this time and was not proposing to construct any new buildings. Staff was recommending approval of UN-33-07 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. The proposal shall comply with the landscaping requirements of the ordinance. One hundred five (105) evergreen trees shall be planted as shown on the landscape plan along the perimeter of Gowan Road & Commerce Street. A sixty percent (60%) ground coverage shall be achieved within two years.
4. Any future expansions of the use or buildings would require a Special Use Permit.

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

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

Commissioner Thomas returned to Chambers at 6:27 p.m.



**12. SPR-13-07 (28847) RACEWAY BUSINESS PARK. AN APPLICATION SUBMITTED BY CROSS CREEK DEVELOPMENT, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO REDUCE THE REQUIRED LANDSCAPING FROM 20 FEET TO 15 FEET ALONG EL CAMPO GRANDE AVENUE AND ANN ROAD. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND HOLLYWOOD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 123-27-801-002.**

The application was presented by Marc Jordan, Planning Manager who explained the site plan review was approved a little more than one year ago and because the zoning ordinance has a year time frame and the applicant had not done any work, it expired. The development was consistent with the Design Standards. Staff was not supporting the requested landscape waiver as the area where they wanted to reduce the landscaping, was an area that was indicated as a build-to-suit and consisted of large lots with possible storage yards. Rather than reducing the landscaping so they could have larger areas, it was Staff's recommendation that they reduce the areas by width on each lot to make up the additional landscaping adjacent to the rights-of-way. Staff was recommending approval of SPR-13-07 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. Any commercial retail portion of the development shall be in compliance with the Commercial Development Standards and Design Guidelines.
3. Any retail use within this development shall require a use permit.
4. With the approval of this site plan review, UN-89-05, UN-90-05, UN-91-05 and UN-92-05 will be considered null and void.
5. The office/warehouse complex, the future development site and the "build to suit" portion of the development shall comply with the Industrial Development Design Standards.
  - a. Exterior down spouts and exterior roof ladders are not allowed, and shall be located within the building.
  - b. All buildings on this site shall maintain a consistent and cohesive design.
  - c. All perimeter landscaping shall be provided during Phase 1 of this development and meet the Industrial Development Standards requirements.
  - d. Landscaping may be required along the east boundary of Phase 1 .
  - e. Landscaped islands shall be provided on both ends of each trash enclosure.

6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along El Campo Grande Avenue, Ann Road, and Hollywood Boulevard.
8. Right-of-way **dedication and construction** of a **flared intersection**, including a right turn lane, is required at El Campo Grande Avenue and Hollywood Boulevard and at Ann Road and Hollywood Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
9. Right-of-way **dedication and construction** of a **CAT bus** turn-out is required on Hollywood Boulevard south of El Campo Grande Avenue and on Ann Road west of Hollywood Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
11. 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.
12. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. 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.
15. 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.

16. All off-site improvements must be completed prior to final inspection of the first building.
17. Fire lanes shall be designed per the fire code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)
18. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
19. The sanitary sewer for the subject project shall tie into the existing 21" sanitary sewer main approximately located in the intersection of Washburn Road and Donovan Way, unless otherwise approved by the Director of Utilities.
20. A looped water system may be required, subject to review and approval of the Utilities Department.
21. The developer shall provide a meter and backflow prevention for each building.
22. Full frontage extension will be required in Shatz Street and possibly El Campo Grande Avenue at the discretion of the Utilities Department.

**Tim Moreno, Integrity Engineering, 5230 West Patrick Lane, Las Vegas, NV** appeared on behalf of the applicant explaining the landscape waiver was being requested to give more yard area for the customers who purchase the lots to build their developments. He stated behind the landscaping, there would be an eight foot decorative wall that would buffer any kind of activities in the yards. He added they wanted to increase the landscaping on the Hollywood corridor, which was the main entrance to the development, in exchange for the five foot reduction they were requesting.

Commissioner Jay Aston asked the applicant if he would be willing to increase the density of the landscaping. Mr. Moreno responded he would. Commissioner Aston asked Staff if they knew the requirements for landscaping in Clark County. Mr. Jordan responded he did not know, but the property to the south, which was owned by Operating Engineers, had approached the City and was looking to annex the property into the City, so there was a good chance the surrounding area would be annexed into the City. He also added, when looking at the site plan, the build-to-suit lots were a little more than one acre in size, so shrinking them by a couple of feet would not be much of a reduction. He explained the area was being newly developed with industrial and encouraged the Commission not to set a precedent by allowing the landscaping to be reduced.

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

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

13. **T-1289 (29363) DESERT OAKS PLAZA. AN APPLICATION SUBMITTED BY THOMAS HELLUMS ON BEHALF OF MICHAEL POULS, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED NORTH OF CRAIG ROAD AND APPROXIMATELY 800 FEET WEST OF ALLEN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-06-601-012, 139-06-601-013, 139-06-601-014, AND 139-06-601-015.**

The application was presented by Naveen Potti, Planner who stated Staff was recommending approval of T-1289 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 subject development shall comply with all the approved conditions of SPR-20-07.

**Thomas Hellums, 7330 Smoke Ranch Road, Las Vegas, NV** appeared on behalf of the applicant stating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

**Item No. 16 was heard next.**

**OLD BUSINESS**

14. **ZN-22-07 (28286) ALEXANDER & MLK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GHASSAN SHAMOUN ON BEHALF OF ZORA ZUHAIR AND GHASSAN SHAMOUN, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 11,783 SQUARE FEET OF RETAIL SPACE AND 12,230 SQUARE FEET OF OFFICE SPACE. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF MARTIN LUTHER KING BOULEVARD AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-410-007, 139-04-410-008, 139-04-410-009, 139-04-410-010, AND 139-04-410-011. (CONTINUED JANUARY 10 AND 24, FEBRUARY 14 AND MARCH 14, 2007)**

It was requested by the applicant to continue ZN-22-07 to April 25, 2007.

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

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

**Item No. 2 was heard next.**

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

It was requested to continue ZOA-02-07 to May 9, 2007.

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

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 9, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

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

16. **ZN-70-07 (28618) INDIGO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ANN ALLEN COMMONS LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED WEST OF WILLIS STREET AND APPROXIMATELY 380 FEET NORTH OF ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-022. (CONTINUED FEBRUARY 14 AND 28 AND MARCH 28, 2007)**

The application was presented by Marc Jordan, Planning Manager who explained the new Comprehensive Plan showed the area as multi-family, which allowed up to 25 dwelling units per acre. The property and the commercial to the south and some of the residential to the north, including the fire station that was built in that area, was all under a development agreement that was previously approved, which allowed the existing development that was in place. As part of the development agreement, the R-2, the property in question at this point, can develop with 92 townhomes at approximately 11.1 dwelling units per acre. The applicant was proposing an R-3, which was consistent with the existing Comprehensive Plan. If the application were approved, there would be an amended development agreement that would also go forward with the rezoning request to amend the development agreement to allow the R-3 to be developed within that area. Staff was recommending approval of ZN-70-07 as it was consistent with the Comprehensive Plan; but, added, if the application was approved, when the applicant came in for development, they would need to develop as a major site plan. So, they would have to come before the Commission with a site plan review to show how they were going to design the property, with the elevations of the proposed multi-family units. Because of the Comprehensive Plan, Staff wants the applicant to be aware that they need to show some compatibility in how they were going to work the development, especially because it was in close proximity to the single-family to the north and west across Willis Street. There might need to be some transitioning and possibly lowering the density as part of the development. The development agreement stated what was shown was conceptual, but they would need to show the Commission how they would comply with all requirements and compatibility with adjacent neighborhoods, meeting the Comprehensive Plan and showing a design that was consistent with the Multi-family Design Standards.

**Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant explaining that to the south of the site, there were office buildings already constructed and an approved retail development that would be on the east portion of the site and a property on the northern portion that was approved for R-2. A 92 lot townhome development was already approved on the proposed site, which would allow up to three stories. Since the approval, when the City updated the Master Plan, it designated that portion of the parcel



for medium-high density residential, which allowed 13 to 25 units per acre. The request was a conforming zone change that was allowed under the City's land use plan. She did not have a site plan, but indicated the developer was contemplating a density between 13 and 25 units per acre. Ms. Allen concurred with Staff recommendation, but, indicated the application was continued so they could meet with the neighbors to address the compatibility of the site and what the developer planned for it. She assured the neighbors that the work they had done with them, would be added to the development agreement, or if they were required to do a site development plan, it would be added to the site plan. Along the north boundary line, they agreed to limit the height to two stories, so the development would be more compatible with the single-family homes to the north and also agreed to design the project so there would not be balconies along the northern property line. Ms. Allen stated they met with the Traffic Engineers and the neighbors and would continue to work with the engineers on a traffic mitigation plan. They also agreed to put signage along Willis Street regarding the speed limit and any other signage that was discussed with the neighbors that they requested, with the City's approval. Along El Campo Grande Avenue, they realized the speed limit was supposed to be 25 miles per hour, but currently had signage for 35 miles per hour, which they understood was being changed and should immediately improve the traffic along El Campo Grande Avenue. To the west, the neighbors were concerned about traffic and security, as there was a large park within the community that was not gated, so, if approved by the homeowners association, they would gate portions of the community to improve their traffic flow as well as the security of the community. The proposed development would be a gated multi-family community with an on-site property manager. The neighbors asked for an eight foot wall along the northern portion of the channel and, with City approval, they were willing to do that. She stated there would be limited access to the drainage channel and an increased landscape buffer along the northern property line to improve the aesthetics.

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

- **Stacy Ewing, 4228 Iris Pearl Avenue, North Las Vegas, NV 89031** agreed with the zone change and indicated the developer addressed the issues of the homeowners in the neighborhood.
- **Charles Slinkard, 3724 Discovery Creek Avenue, North Las Vegas, NV 89031** turned in a petition with signatures of people who were opposed to the zone change. He did not feel the zone change was good for the community and the Police Department agreed higher density would bring more crime to the area.
- **Lou Rizzo, 4222 West El Campo Grande Avenue, North Las Vegas, NV 89031** stated he was opposed to the zone change and felt higher density would bring more crime and violence to the area and would lower the property values. He stated the traffic problem on El Campo Grande Avenue was on-going. He understood growth

was okay, as long as the service kept up with the growth. The average response time currently for the Police Department was over one hour and there was a substation three blocks from his development.

- **Craig McCallum, 5714 Montezuma Creek, North Las Vegas, NV 89031** stated he was opposed to the zone change, as the value of his home would decrease. He suggested if the zone change was approved, that a 10 foot wall be constructed on the north side of the project.
- **Iris Gross, PO Box 336314, North Las Vegas, NV 89033** stated she was opposed to the zone change as there would be too much traffic and stated there had been several meetings scheduled with neighbors, half of which were cancelled and she was not notified of all of the meetings held.
- **Rick Lemmon, 5902 Willis Street, North Las Vegas, NV 89031** stated he was opposed to the zone change. He indicated Willis Street and El Campo Grande Avenue were used as short cuts to get to Decatur Boulevard and Aliante and felt some type of traffic mitigation needed to be done on Willis and El Campo Grande.
- **Norm Wilbus, 5837 Gentle Creek Lane, North Las Vegas, NV 89031** stated the proposed development would be using Willis Street and El Campo Grande to get to Tropical Parkway and would cause more traffic problems. There would also be increased crime and was opposed to the zone change.

Chairman Brown closed the Public Hearing.

Ms. Allen agreed, if the zone change was approved, the applicant would continue to work with the neighbors on the compatibility of the development of the site with the neighboring communities. She explained the site was not only master planned for their rezoning request but was also an appropriate use to allow multi-family for a transition between the single-family to the west and north and the commercial and office to the south and east. She stated the site plan they had considered, had no variances from the code requirements, so the density that was planned could be done within the requirements of the code. She met with the traffic engineer and would continue to meet with him during the development process to address traffic issues. Ms. Allen stated she met with the School District and submitted a letter indicating the School District indicated they were not opposed to the zone change from R-2 to R-3 and that there would be schools that would have capacity in that area by the time the site was developed. She stated there was Police Department representation at the neighborhood meeting and crime was discussed and how the site could be designed to avoid criminal activity.

Commissioner Jay Aston asked the maximum density allowed in R-2. Mr. Jordan stated the maximum density would be 10 units per acre. Commissioner Aston asked the applicant what density they were requesting. Ms. Allen responded the density would be approximately 20 units per acre and the R-3 allowed up to 25 units per acre. Commissioner Aston asked Staff what parameters the Planning Commission could operate in to control the density. Mr. Jordan responded the density could be controlled because the Comprehensive Plan, even though it was multi-family and allowed up to 25 units per acre, it was not a given that the applicant could have 25 units. When the site plan review was presented, one of the things Staff indicated, was that there was still the possibility a lower density was wanted, to show some compatibility and transitioning on the properties abutting the single-family. Commissioner Aston felt, with the commercial on the front and sides, a drainage channel to the north, and beyond that, there was a PUD, which was more dense, and completely surrounded the outside circumference of the property; so, if the Planning Commission were to approve the zone change, he felt 20 units per acre was too much density for the site and felt 14 to 15 units per acre might be more reasonable.

Commissioner Ned Thomas agreed with Commissioner Aston and asked Public Works when the site plan came before the Planning Commission, if a traffic study would be required. Eric Hawkins of Public Works responded a traffic study would be required and approved prior to the civil plans being approved. Commissioner Thomas asked if the traffic study would address some of the issues raised. Mr. Hawkins responded the intersections and the driveway on Willis Street would also be analyzed.

Commissioner Aston explained if the Planning Commission were to approve the zoning application, there was still opportunity to control the of density approved. If the Commission felt the density could be higher than 10 units per acre, there was a chance the application could be approved, but it did not mean the density would go to 20 units per acre.

Chairman Steve Brown asked if the plan for the currently approved R-2 included three story buildings. Ms. Allen responded it included three story townhomes.

Commissioner Dilip Trivedi asked the applicant if the traffic study indicated they needed more than one access, if it was possible to work out a cross access agreement to exit onto Allen Lane. Ms. Allen stated there was a crash gate proposed on Allen Lane, because directly to the east was the retail, so it would dump directly into the commercial, so there was a crash gate proposed for emergencies.

Commissioner Trivedi asked the Police Department to comment on the neighbors' concerns regarding the possible increase in crime that could be caused by the development. Jose Rodriguez of the Police Department explained the area had a low crime rate and the neighbors had been told that, statistically, any time there was a higher density, the crime rate would go up; but, there were so many variables to consider, you

could not say the increased crime was only caused by the density. He understood the developer wanted to comply with any conditions or requests made by the Police Department, as far as the design was concerned, but could not guarantee the crime rate would not go up, even if the developer followed their advise on the design. Commissioner Trivedi asked about the Police Department's response time. Mr. Rodriguez responded the response time for non-emergency, non-in-progress calls were up to an hour; but, if it was a burglary in-progress, armed robbery in-progress, someone being assaulted, the response time was much quicker, approximately 4 to 6 minutes.

Vice-Chairman Dilip Trivedi agreed with comments made by Commissioners Aston and Thomas that higher density might be appropriate but not up to 20 units per acre and was willing to support the application with a cap on the density.

Commissioner Dean Leavitt asked the applicant if the application was approved, what the quality of the project would be. Ms. Allen responded the project would be a high end apartment complex and would be consistent with the development to the south. Commissioner Leavitt also stated he could support a density of higher than 10 units per acre but less than 20 units.

Commissioner Harry Shull stated affordable housing was needed and one of the ways to achieve that, was to get more density; therefore, he supported the zone change from R-2 to R-3.

Commissioner Jo Cato was in support of the application and agreed with other Commissioners that the density should not be up to 20 units per acre.

Chairman Brown agreed with other Commissioners that 20 units per acre was not acceptable and would like to see a little more density but was concerned that transitional housing was wanted before a commercial site.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

**Item No. 18 was heard next.**

17. **SPR-09-07 (28474) REGENA TOWNHOMES. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF REGENA HOMES LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW CONSISTING OF 18 FOUR-PLEX BUILDINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-001. (CONTINUED JANUARY 24, FEBRUARY 14 AND 28, AND MARCH 28, 2007)**

It was requested by the applicant to continue SPR-09-07 to April 25, 2007.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

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

**18. UN-18-07 (28951) CITIFINANCIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CITIFINANCIAL SERVICES, INC. ON BEHALF OF AV NEVADA 2 LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION. THE PROPERTY IS LOCATED AT 2225 EAST CENTENNIAL BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-501-012. (CONTINUED MARCH 14 AND 28, 2007)**

The application was presented by Marc Jordan, Planning Manager who stated the applicant indicated they would offer products and services including personal loans and home equity loans; however, would not be offering check cashing, payday loans, or title loan services within the establishment. Staff was recommending approval of UN-18-07 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the use permit is site specific and non-transferrable.
3. The applicant shall submit a traffic study update for review and approval.

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

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

Chairman Brown closed the Public Hearing.

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

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Thomas**

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

**NAYS: None**

**ABSTAIN: None**

19. **ZN-93-07 (28945) EMERALD BAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RENAISSANCE DEVELOPMENT CORPORATION ON BEHALF OF CELEBRATE INVESTMENT LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-2 GENERAL COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 832 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CORALIE AVENUE AND MARTIN L. KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-416-001. (CONTINUED MARCH 14 AND 28, 2007)**

Commissioner Harry Shull stated he would be abstaining as his company currently owned the property.

Commissioner Shull left Chambers at 7:22 p.m.

The application was presented by Robert Eastman, Principal Planner who stated the applicant had submitted a revised Site Plan, Impact Statement and revised Letter of Intent. They are requesting two waivers from the Design Standards. One waiver was a waiver from the village theme requiring different architectural elements or different architectural themes for every 200 units within a development. Staff was supporting that waiver request, based on the elevations that were submitted with the proposed planned unit development. The second waiver was to reduce the total amount of open space provided. The applicant has shown approximately 375,000 square feet of open space where the PUD requirement would be 593,000 square feet. The applicant has met with the Parks and Recreation Department and the Planning Department to discuss the open space and agreed to a fairly extensive list of amenities and have shown a very nice site plan, but, because of the reduction in the amount of open space, Staff had difficulty supporting the PUD. Therefore, Staff was recommending ZN-93-07 be continued for further discussion regarding the open space requirements. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This development shall comply with the R-3, Multifamily Residential District setback requirements.
3. A minimum of 176 parking spaces shall be provided in garages, and a minimum of 80% of the remaining parking spaces shall be provided with a carport.

4. The height of buildings shall be limited to a height of 28 feet within 170 feet north of Coralie Avenue.
5. One Final Development Plan shall be submitted for both phases of the development.
6. This development shall comply with the Multifamily Development Standards except for the requirement for different village themes.
7. The submitted landscape plan shall be considered conceptual and non-binding.
8. All perimeter landscaping must be provided with the first building permit.
9. All required landscaping areas and open space areas shall be labeled as common elements, and shall be maintained by the property owner or a homeowners association if condominiums are developed.
10. Measures to achieve a noise level reduction, outdoor to indoor, of 25 decibels must be incorporated into the design and construction.
11. The developer shall disclose to prospective residents that this property lies just outside the 2015 AE-60 (60-65 DL) noise contour for the North Las Vegas Airport, and is subject to significant aircraft noise and continuing over-flights.
12. The developer shall disclose to prospective residents that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for development impacted by aircraft operations which was constructed after October 1, 1998, and funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.
13. The number of dwelling units shall be limited to a maximum of 832 dwelling units, and shall be reduced if it is found that there is insufficient open space to meet the requirements of the PUD, Planned Unit Development District upon submittal of the Final Development Plan.
14. A pedestrian circulation plan, including ADA access routes, safe walking pathways, and traffic calming measures shall be submitted with the final development plan for this Planned Unit Development.
15. A minimum of 375,462 square feet of open space shall be provided.



16. Balconies and patios shall be provided for each unit as shown on the preliminary development plan open space exhibit.
17. The applicant is required to meet jointly with the Planning and Zoning Department and the Parks and Recreation Department to determine the amenities to be provided prior to the submittal of the Final Development Plan.
18. At a minimum, the following amenities shall be provided within the open space, as approved by the Director of Parks and Recreation, or designee:
  - a. A minimum of twenty 24-inch box trees per acre;
  - b. Circuitous lighted paths, which include a both a perimeter trail and an interior trail. The perimeter trail shall have detached sidewalks, benches, mile markers and landscaping. The interior trail shall include exercise stations, benches, mile markers, doggie stations, landscaping, rest stations, and trash receptacles. Six pedestrian access gates shall be provided for convenient access between the interior trail and the perimeter trail;
  - c. At least two locations providing 2 differing, age-appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface (4 play structures total). Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes;
  - d. Three swimming pools and one lap pool (3,744 square feet of total swimming pool area minimum) with accompanying restrooms, drinking fountains, decking, barbecue areas, and shade structures at each location;
  - e. A minimum of one fitness facility;
  - f. A minimum of one clubhouse/recreation building with no more than 25% of the floor area (included in the open space calculation) dedicated for uses other than common recreation and incidental support facilities. The floor plan of the recreation building shall be subject to the approval by the Parks & Recreation Department during review of the Final Development Plan;
  - g. A minimum of eight shade structures, comprised of at least six picnic areas and two chess/backgammon tables. Picnic areas are to generally include picnic table(s), built-in barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a large shade gazebo (30' diameter) that is lighted. The shade structures shall be consistent with the architectural theme of the project, subject to approval by the Parks & Recreation Department during review of the Final Development Plan;
  - h. At least one large grassy open space area for group/organized play with a drinking fountain;
  - i. Two lighted sport courts (i.e. basketball, sand volleyball, tennis, etc.);
  - j. A putting green;
  - k. Bicycle racks at 2-3 different locations;
  - l. ADA accessibility; and
  - m. Details of amenities to be provided

19. Approval of a drainage study is required prior to submittal of the civil improvement plans.
20. Martin Luther King Boulevard is a no cut street.
21. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
22. Approval of a traffic study is required prior to submittal of the civil improvement plans.
23. A queuing analysis is required.
24. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Martin Luther King Boulevard.
25. 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.
26. 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.
27. The property owner is required to grant a roadway easement for commercial driveway(s).
28. 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.
29. A revocable encroachment permit for landscaping within the public right of way is required.
30. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.

31. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
32. 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.
33. 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.
34. All off-site improvements must be completed prior to final inspection of the first building.
35. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
36. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
37. Fire access lanes shall be located in accordance with the Fire Code.
38. A detailed amenity, including phasing, plan shall be provided with the Final Development Plan including amenity elevations and specifications for amenities.
39. Open space areas shall have a minimum width of twenty (20) feet.
40. This development shall be limited to 832 dwelling units.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant stating the site plan conformed to the existing Master Plan as recently amended. Mr. Garcia explained the rezoning at the Council level had been held and moved forward with an alternative, which was a PUD. The reason for the PUD was to create the overall vision of what the project would look like. He stated they exceeded the R-3 requirements and the quality of the project was superior. He explained, around the project there were two parallel trail systems, one outside the project that was usable by residents and neighbors and one within the project with numerous connections. Mr. Garcia stated on Condition No. 5, there would be a final development plan for each phase, as there were two phases in the project, the first one on the east side, being along Martin Luther King Boulevard and Coralie Avenue and the western part would be Phase II. Condition No. 8 stated all perimeter landscaping must be approved with the

first building permit and asked that the words “or approved phasing plan” be added to the end of the condition. On Condition No. 17, he asked that it be amended to read: “The applicant is required to meet jointly with the Planning and Zoning Department and the Parks and Recreation Department to refine the amenities to be provided prior to the submittal of the Final Development Plan”.

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

- **Deborah Lewis 4010 Hemphill Street, North Las Vegas, NV 89032** stated the sign posted for the meeting was torn down and laying in the dirt and had a hearing date of March 14, 2007. She also stated that Coralie Avenue was a 60 foot right-of-way and asked who would be giving property to widen the street and also added commercial development was needed in the area and there was not adequate schools, water and infrastructure for the increase in residential development and was opposed to the application.
- **Billy Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032** stated he was opposed to the application, as the schools were already overcrowded, adding in one of his classes, children were sitting on the floor, as there were not enough desks and there would also be increased crime.

Chairman Brown closed the Public Hearing.

Mr. Garcia stated the applicant would dedicate property for the widening of Coralie Avenue. The density and heights of the buildings were per the conditions of approval and was a lower density than the northern portion of the project, which would provide some transition across Coralie. He stated this was a zoning issue, they were already conforming to the approved master plan, which was high density residential.

Commissioner Dean Leavitt agreed with Staff regarding the open space; however, the amenities and the utilization of open space on the project proposed, far exceeded the development that was approved in the past.

Chairman Steve Brown asked Staff if the water issue was addressed as part of the process of allowing building permits. Louise Steeps of the Utilities Department responded on zone changes, the issue of water was not addressed. The proposed project was on the lower end of the pressure zone, so there should not be any pressure issues; but, there may be conservation issues with the water features.

Chairman Brown asked Staff about the sign posted on the property. Marc Jordan, Planning Manager explained the sign postings were contracted with an outside vendor and the date on the sign was the original date of the Public Hearing and explained the sign company signed an affidavit that the sign was posted.

Mr. Eastman suggested the following amendments and language to the conditions:

Condition No. 5 deleted, Condition No. 8 amended to read: "All perimeter landscaping must be provided with the first building permit of each phase" and Condition No. 17 would be amended to read: "The applicant is required to meet jointly with the Planning and Zoning Department and the Parks and Recreation Department to refine the amenities to be provided prior to the submittal of the final development plan".

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION WITH THE DELETION OF CONDITION NO. 5 AND CONDITION NOS. 8 AND 17 AMENDED TO READ:

8. ALL PERIMETER LANDSCAPING MUST BE PROVIDED WITH THE FIRST BUILDING PERMIT OF EACH PHASE.
17. THE APPLICANT IS REQUIRED TO MEET JOINTLY WITH THE PLANNING AND ZONING DEPARTMENT AND THE PARKS AND RECREATION DEPARTMENT TO REFINER THE AMENITIES TO BE PROVIDED PRIOR TO THE SUBMITTAL OF THE FINAL DEVELOPMENT PLAN.

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

Commissioner Shull returned to Chambers at 7:46 p.m.

**Item No. 24 was heard next.**

20. **SPR-17-07 (28909) NORTH 5<sup>TH</sup> & ROME. AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF DIAMOND CREEK ESTATES, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW A 519 UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ROME BOULEVARD AND NORTH 5<sup>TH</sup> STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-009. (CONTINUED MARCH 14 AND 28, 2007)**

It was requested by the applicant to continue SPR-17-07 to April 25, 2007.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

21. **SPR-18-07 (28942) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A 379-UNIT MULTI-FAMILY DEVELOPMENT. WAIVERS FROM THE DESIGN STANDARDS ARE ALSO REQUESTED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007 AND 124-22-801-011. (CONTINUED MARCH 14 AND 28, 2007)**

It was requested by the applicant to continue SPR-18-07 to April 25, 2007.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

22. **T-1286 (28954) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR A TENTATIVE MAP IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF A 379-UNIT CONDOMINIUM DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007 AND 124-22-801-011. (CONTINUED MARCH 14 AND 28, 2007)**

It was requested by the applicant to continue T-1286 to April 25, 2007.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None



23. **UN-15-07 (28943) SHADE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR A USE PERMIT IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW 40 FOOT HIGH BUILDINGS WHERE 35 FEET IS THE MAXIMUM ALLOWED. THE PROPERTIES ARE LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007, AND 124-22-801-011. (CONTINUED MARCH 14 AND 28, 2007)**

It was requested by the applicant to continue UN-15-07 to April 25, 2007.

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

Chairman Brown stated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 25, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 5 was heard next.**

**24. SPR-16-07 (28908) DEER SPRINGS GOLDFIELD PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT INC. ON BEHALF OF CENTENNIAL POINTE LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW 224 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-701-002, 124-22-701-003, 124-22-701-004, 124-22-701-005, AND 124-22-701-008. (CONTINUED MARCH 14 AND 28, 2007)**

The application was presented by Naveen Potti, Planner who stated the applicant had also applied for a variance for the building set-backs along the eastern and southern property lines and that application would be heard by the Commission on April 25, 2007. Staff recommends SPR-16-07 be continued to be heard along with the variance application. Should the Commission determine approval was warranted, the following conditions are recommended:

1. Approval of a traffic study is required prior to submittal of the civil improvement plans.
2. A queuing analysis is required.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
6. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
  - a. 40' on Deer Springs Way
  - b. 30' on Goldfield Street
  - c. 30' on Engel Avenue
  - d. associated spandrels

8. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Full width temporary pavement is required to be constructed on Deer Springs Way from the northeast corner of the property to North 5<sup>th</sup> Street.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Road.
12. 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.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
17. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
18. 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.
19. All off-site improvements must be completed prior to final inspection of the first building.

20. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
21. This development shall comply with the Multifamily Development Standards including, but not limited to:
  - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents
  - b. Balcony areas which are a minimum of 40 square feet in size.
  - c. Patio areas which are a minimum of 80 square feet in size.
  - d. Landscaped buffers a minimum of 20 feet in width along all interior property lines.
  - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
  - f. All required landscaping between the public streets and the perimeter wall or view fence.
  - g. One trash collection facility within 300 feet of each unit.
  - h. No building greater than one story within 50 feet of the eastern property line.
  - i. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
  - j. No utility panels shall be visible from adjacent rights-of-way or properties.
22. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
23. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
24. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.
25. If VAC-03-07 is not approved, the site plan must be redesigned to include Engel Avenue, a 60-foot right-of-way.
26. A decorative block wall, between six and eight feet in height, is required along the eastern property line.

27. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
28. If VN-10-07 is not approved, this site plan shall be considered null and void.
29. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.
30. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the civil improvement plans.
31. Pedestrian access shall be provided to any pedestrian access easement or right-of-way adjacent to the southern property line.
32. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
  1. Circuitous lighted paths and fitness course;
  2. A minimum of twenty 24-inch box trees per acre;
  3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
  4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
  5. A minimum of one fitness facility;
  6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
  7. At least one large open space area for group/organized play;
  8. Benches spaced along pathways;
  9. Bicycle racks at 1-2 different locations;
  10. Dog stations at grassy areas;
  11. ADA accessibility; and
  12. Details of amenities to be provided.

33. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
34. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
35. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)
36. The applicant shall comply with all requirements set forth in the attached memorandum from the Police Department.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant giving some background on the North 5<sup>th</sup> Street corridor. After meeting with the Traffic Engineer and the Director of Public Works, Public Works was now recommending approval of the vacation of the roadway subject to making sure the utility issues were addressed with the Utilities Department and on the trail itself. They had their engineer submit the information for the water study to be sure the utility easement corridor was not required and believed the information submitted supported their case, so the utility easement would not be necessary. He indicated their office was representing the applicant to provide a trail for some type of east/west access from Goldfield Street to North 5<sup>th</sup> Street and they were working to put a trail on the northern portion of the property to make up some open space. He stated they had filed a variance application requesting to reduce the building separation to the property lines, but, revisions had been made to the site plan, so they no longer needed the variance, which was scheduled to be heard at the April 25, 2007 Planning Commission meeting. He pointed out that initially the buildings were ten feet from the property line, where 15 feet was required, but, the buildings had been moved, so there was now 15 feet, which eliminated the need for the variance. Also, on the lofts, they had ten feet initially, where 15 feet was required and a change was made, which gave the required 15 feet. So, in two weeks the variance applications would be withdrawn. He stated there was a parking waiver on the application and they had worked with the Traffic Department in providing necessary information. There was also a waiver for the trash compactor, where there is one trash compactor on the site and there would be a trash valet to pick up the garbage on a regular basis from individual door steps. If the program did not work, they would be required to put in the trash enclosures. Mr. Gronauer stated they were also asking for a waiver to reduce the 50 feet a multi-family structure must be from a residential zoned property. He asked if the application was approved, that Condition No. 21.g and 21.h be deleted and that Condition No. 31 be amended to read: "Pedestrian access shall

be provided to any pedestrian access easement or right-of-way adjacent to the southern property line, if another suitable alternative is not approved by the planning and Zoning Department”.

Commissioner Ned Thomas thought the trash compactor was a novel idea and thought it should be given a chance.

Chairman Brown agreed with Commissioner Thomas.

Commissioner Jay Aston stated in the revised memorandum Staff had identified 13 items and it appeared most of the concerns were resolved. Mr. Gronauer understood they had addressed the issues and explained they met with Staff and the site plan was been revised to reflect Staff’s concerns and he was comfortable they could move forward with the recommended conditions. Commissioner Aston asked if the revised site plan had been reviewed by Staff. Mr. Gronauer responded it had. Commissioner Aston asked if Republic Services was willing to service the trash compactor. Mr. Gronauer explained one of the conditions of approval was that they had to have Republic Services sign off on Condition No. 30 and there was a contingency plan in place. Commissioner Aston asked about the decorative block wall on the eastern property line. Mr. Gronauer responded Staff requested wrought iron fencing, which they agreed to, but they preferred to put the wrought iron fencing along the eastern property line, as it created more of an openness because on the North 5<sup>th</sup> corridor you wanted to create some type of openness. Commissioner Aston asked Staff if they were in support of the deletion of Condition Nos. 21.g and h. Mr. Jordan responded, Staff had no objection to the deletion of Condition Nos. 21.g and h and rather than deleting Condition No. 26, they would like it amended to read: “A wrought iron fence is allowed along the eastern property line.” Staff agreed to amend Condition No. 31 as requested by the applicant. Mr. Jordan indicated Staff would rather see a wider trail than the 20 feet that would be put on the southerly property line. He had spoken with the developer to the south who was told, if they increased their buffer from the proposed 10 feet to 20 feet, and then moved the wrought iron fence to the inside, so the landscaping was on the outside and put a trail system in, they would have the advantage, because now it met the minimum width and they can count it toward their open space, which was something that needed to be done. He would also have like to see that done on the northerly side; however, he understood the constraints the developer was working with. Mr. Jordan stated, for the record, they would ask for a letter from the developer to the south that they knew they were providing the trail system and were okay with it, as all of the burden was being put on that property. Mr. Gronauer indicated he would be writing the letter and agreed to the stipulation and would work with Staff.

Commissioner Thomas asked the applicant if they had met with the Parks and Recreation Department about making the trail system public, so it would be maintained by the City. Mr. Gronauer responded he had, but there were maintenance issues, liability issues and other things that needed to be addressed as it got attached.

Mr. Eastman stated, for the record, the proposed changes to the conditions were the deletion of Condition Nos. 21.g, and 21.h, amending Condition No. 26 to read: "A wrought iron fence is allowed along the eastern property line", the deletion of Condition No. 28 and Condition No. 31 amended to read: "Pedestrian access shall be provided to any pedestrian access easement or right-of-way adjacent to the southern property line, if a suitable alternative is not approved by the Planning and Zoning Department".

**ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION WITH CONDITION NOS. 21.G, 21.H AND 28 DELETED AND CONDITION NOS. 26 AND 31 AMENDED TO READ:**

26. A WROUGHT IRON FENCE IS ALLOWED ALONG THE EASTERN PROPERTY LINE.

31. PEDESTRIAN ACCESS SHALL BE PROVIDED TO ANY PEDESTRIAN ACCESS EASEMENT OR RIGHT-OF-WAY ADJACENT TO THE SOUTHERN PROPERTY LINE, IF A SUITABLE ALTERNATIVE IS NOT APPROVED BY THE PLANNING AND ZONING DEPARTMENT.

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

Mr. Eastman remind the applicant, since there was a parking waiver, the application would go to City Council for final consideration.



**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 8:17 p.m.

APPROVED: May 9, 2007

/s/ Steve Brown  
Steve Brown, Chairman

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