

>> I WILL CALL THIS MEETING TO ORDER.
GOOD MORNING.
>> GOOD MORNING, COMMISSIONERS.
FIRST ITEM IS APPROVAL OF THE AGENDA AFTER CONSIDERING ADDITIONS OR DELETIONS OF ANY ITEMS.
WE HAVE RECEIVED THE FOLLOWING REQUEST.
HOLD TO THE 7/16/08 BOARD OF COUNTY COMMISSIONERS FOR THE D.A.'S OFFICE.
ITEM 18.
HOLD TO THE 7/16/08 TO REWRITE, RENOTIFY PER STAFF.
ITEM 23, HOLD UNTIL THE 7/16/08 BOARD OF COUNTY COMMISSIONERS MEETING PER THE APPLICANT.
ITEM 26, HOLD TO THE 7/16/089 PER THE APPLICANT.
ITEM NUMBER 28, HOLD UNTIL THE 8/20/08 PER STAFF.
ITEM 29, HOLD UNTIL THE 8/20/08 MEETING PER STAFF.
THE ABOVE ITEMS WILL BE OPENED AS A PUBLIC HEARING AND RECESSED UNTIL THE DATES PREVIOUSLY STATED.
WITH THE DELETIONS AND IF NO OBJECTION FROM THE AUDIENCE, THE MORNING AGENDA STANDS READY FOR YOUR APPROVAL.
>> ANY DISCUSSION ON THE AGENDA?
>> NO.
>> GOOD MORNING.
>> JOSEPH RICHARD LEEDY.
ON BEHALF OF MY APPLICANT, WE'D LIKE TO PULL ITEM 10 TO DISCUSS LATER DUE TO LANDSCAPE ISSUE THAT --
>> WE'RE NOT THERE YET.
WHEN WE TALK ABOUT ROUTINE ACTION ITEMS, YOU CAN STAND UP AND DO THAT.
THAT'S FINE.
ANY OTHER DISCUSSION ON THE AGENDA.
THIS IS JUST WHETHER ITEMS SHOULD BE HELD TO A FUTURE DATE.
>> I WOULD LIKE TO HOLD ITEM 22 FOR 30 DAYS.
>> 22.
>> IS THE APPLICANT ON THE ITEM HERE?
>> I MET WITH THEM LAST NIGHT.
DID THEY CALL YOU?
>> THEY CALLED AND ASKED I COME BY AND GET THE NEW DATE.
HOLD ON 22 AS WELL.
BYRON MILLS BY THE WAY.
>> 30 DAYS, COMMISSIONER?
>> 22.
>> 30 DAYS IS ALL RIGHT?
>> 30 DAYS, YES.
>> WHAT IS THAT DATE?
>> AUGUST 6 MEETING.
>> THANK YOU.
>> ANY OTHER DISCUSSION ON THE AGENDA?
>> MOTION FOR APPROVAL AS STATED.
>> THE MOTION FOR APPROVAL.
CAST YOUR VOTE.
MOTION CARRIES.
>> THE NEXT ITEM IS APPROVAL FROM THE MINUTES FROM THE 3/5/08 BOARD OF COUNTY COMMISSIONERS MEETING.
>> ANY DISCUSSION ON THE MINUTES?
ANYBODY WANT TO MAKE A MOTION?
>> MOTION FOR APPROVAL.
>> MOTION TO APPROVE THE MINUTES.
CAST YOUR VOTE.
MOTION CARRIES.

>> NEXT IS ROUTINE ACTION ITEMS WHICH CONSIST OF ITEMS 3-20 EXCEPT FOR ITEMS WHICH MAY HAVE BEEN PREVIOUSLY HELD OR DELETED.
THESE ITEMS MAY BE CONSIDERED TOGETHER IN ONE MOTION OR SUBJECT TO THE COMMISSION LISTED WITH EACH AGENDA ITEM.
WE HAVE THE FOLLOWING AMENDMENTS.
ITEM 19 AND THE FOLLOWING CIVIL ENGINEERING CONDITIONS.
COORDINATE WITH A.P.M. 140 AND 140-0822006 FOR JOINT ACCESS TO A PUBLIC STREET.
FOR THE COMMISSIONERS' INFORMATION.
ITEM 7.
STAFF HAS RECEIVED ONE CARD IN PROTEST.
ITEM NUMBER 8.
STAFF HAS RECEIVED ONE CARD IN PROTEST.
ITEM 9.
SUNRISE TOWN BOARD RECOMMEND APPROVAL SUBJECT TO THE SIGN HAVING ONLY STATIC IMAGES.
ITEM 10, THE ENTERPRISE BOARD RECOMMENDED APPROVAL SUBJECT TO LESS THAN LANDSCAPING ONE ROW OF TREES ON SOUTH PROPERTY LINE.
THE ENTERPRISE TOWN BOARD RECOMMENDED APPROVAL SUBJECT TO FIVE YEARS AND STAFF RECOMMENDS APPROVAL FOR TWO YEARS FOR U.C.1 FOR THE HOTEL PROJECT AND U.C.2 AND D.R.2.
ITEM 12.
STAFF HAS RECEIVED 12 CARDS IN PROTEST.
ITEM 15, THE PARADISE TOWN BOARD RECOMMENDED APPROVAL SUBJECT TO RELOCATING THE SHADE STRUCTURE ON THE NORTHEAST CORNER FIVE FEET CLOSER TO THE BUILDING.
STAFF RECEIVED THREE CARDS IN PROTEST.
ITEM NUMBER 19.
SUNRISE TOWN BOARD RECOMMENDED APPROVAL SUBJECT TO A DESIGN AT THE PUBLIC HEARING.
APPLICANT WORK WITH NEIGHBORS TO ROUTE THE DRAINAGE THROUGH THE VACANT PROPERTY AND CROSS ACCESS EAST AND WEST.
ANY PERSON WHO DOES NOT AGREE WITH THE CONDITIONS RECOMMENDED BY STAFF AS LISTED ON THE AGENDA REQUEST THAT ITEM BE REMOVED FROM THIS PORTION AND BE HEARD SEPARATELY WHEN THE PUBLIC HEARING IS OPENED.
IN ADDITION, ITEMS RECOMMENDED FOR DENIAL OR WITH DIFFERENT CONDITIONS OF APPROVAL BY THE RESPECTIVE TOWN BOARDS ARE NOT AUTOMATICALLY REMOVED FROM THE ROUTINE ACTION AGENDA.
IF YOU WISH TO SPEAK TO ANY ITEM, YOU MUST COME FORWARD AND REQUEST TO BE REMOVED FROM THE ROUTINE ACTION AGENDA AND BE HEARD SEPARATELY.
WITH THESE AMENDMENTS AND NO OBJECTION FROM THE AUDIENCE, THE ROUTINE ACTION PORTION OF THE MORNING AGENDA STANDS READY FOR APPROVAL.
>> GOOD MORNING, COMMISSIONERS.
HERE ON BEHALF OF THE APPLICANT ON ITEM NUMBER 11.
WE'D JUST -- I DON'T BELIEVE IT NEEDS TO BE PULLED FROM THE CONSENT AGENDA.
WE'D ASK THAT THE BOARD FOLLOW THE TOWN BOARD'S RECOMMENDATION OF A FIVE-YEAR EXTENSION AS OPPOSED TO STAFF'S RECOMMENDATION.
>> COMMISSIONER WOODBURY, IS THAT ACCEPTABLE?
>> YES, IT IS, MR. CHAIRMAN.
>> THANK YOU.
>> ITEM NUMBER 9, I BELIEVE THE WAY CONDITION WAS AT THE TOWN BOARD THAT YOU READ IT AS BEING STATIC ONLY.
IT WAS TO FOLLOW THE CODE AT 2.5 SECOND HOLD OR WHATEVER IT WAS FOR THE MESSAGES ON ELECTRONICS, NOT A STATIC.
IF WE NEED TO HOLD IT OR DOUBLE CHECK THAT.
>> DOES STAFF HAVE SOMETHING TO SAY?
>> THAT'S WHAT WE HAD RECEIVED FROM THE TOWN BOARD.
IT SAID STATIC IMAGES.
IF THE INTENT WAS TO MEET CODE, THAT'S FINE.
>> THE INTENT WAS TO MEET THE CODE ON THE ELECTRONIC MESSAGES.
>> OK.
CONSIDER THAT CLARIFIED.
>> THANK YOU.

>> ANYONE ELSE WANT TO SPEAK ABOUT THE ROUTINE ACTION ITEMS?
>> GOOD MORNING, COMMISSIONERS.
JOE LEEDY.
ITEM NUMBER 10.
I DON'T BELIEVE IT NEEDS TO BE PULLED NOW BECAUSE IT WAS -- THE RECOMMENDATIONS OF THE TOWN BOARD WERE READ BEFORE.
THEY RECOMMENDED LESS INTENSE LANDSCAPE BUFFER AND IF YOU AGREE WITH THAT, THEN WE'D LIKE TO PROCEED.
>> SO YOU WANT IT TO BE CLEAR THAT THE TOWN BOARD CONDITIONS APPLY?
>> CORRECT.
>> ISN'T THAT WHAT STAFF SUGGESTED?
>> THE CODE REQUIRES DOUBLE ROW OF TREES IN THIS INSTANCE SO THE TOWN BOARD ASKS FOR A LITTLE LESS.
THEY'RE ASKING FOR ONE ROW OF TREES.
IF THE BOARD CHOOSES TO APPROVE IT, YOU CAN APPROVE SUBJECT TO THAT CONDITION.
THEY DON'T HAVE TO COME BACK TO DO A WAIVER.
WE DON'T HAVE AN ISSUE WITH THE SPACE THAT STARTS 10 FEET AND AS LONG AS THE NEIGHBORS ARE OK WITH IT, WE FEEL IT WOULD BE BETTER FOR THE TREES.
>> COMMISSIONER WOODBURY, THIS IS YOUR DISTRICT.
DO YOU HAVE A VIEW?
>> THIS IS ITEM NUMBER 10?
>> THE ISSUE IS WHETHER OR NOT TO FOLLOW STAFF -- TOWN BOARD RECOMMENDATION ON LANDSCAPING?
>> WHY DON'T WE HEAR IT SEPARATELY.
>> WE'LL HEAR NUMBER 10 SEPARATELY.
>> OK.
THANK YOU.
>> ANY OTHER DISCUSSION ON THE ROUTINE ACTION ITEMS.
>> 19.
>> HEARD SEPARATELY?
>> I WANT TO ADD A COUPLE OF CONDITIONS THERE.
I WANT TO MAKE IT A RESOLUTION UNTIL WE ARE PAST THIS RESOLVE OF THE CIVIL ENGINEERING'S TRAINING STUDY AND COMPLIANCE.
I WANT IT BROUGHT BACK NOT ONLY TO THE TOWN BOARD BUT TO THIS BOARD AS WELL.
THE DESIGN REVIEW.
AND CHANGE TO R.O.I. FROM A HARD ZONE.
>> THE APPLICANT ON 19 HERE?
>> THEY'RE OUT IN THE BACK.
I THINK THEY'RE OK.
>> I HAVE A NEW APPLICATION.
>> WHICH ITEM ARE YOU HERE ON, SIR?
>> APPLICATION FOR REVIEW.
>> CAN YOU STEP TO THE SIDE AND TALK TO THE STAFF AND MAYBE THEY CAN HELP YOU CLARIFY THAT.
IS THE APPLICANT ON ITEM 19 HERE?
DID YOU HEAR WHAT COMMISSIONER COLLINS SAID?
>> YES.
WE'RE FINE WITH THOSE CONDITIONS.
>> THERE WON'T BE A NEED TO HEAR IT SEPARATELY.
ANY OTHER DISCUSSION ON THE ROUTINE ACTION ITEMS?
>> MOVE APPROVAL WITH THE CHANGES AS NOTED BY STAFF.
>> HEARING ITEM 10 SEPARATELY.
>> 10 SEPARATE.
>> THANK YOU.
ANY DISCLOSURES?
I NEED TO DISCLOSE, PREVIOUSLY I ABSTAINED ON ITEMS RELATED TO THE APPLICANT ON ITEMS 3 AND 4.

MY UNDERSTANDING IS THAT MY FIRM NO LONG ARE DOES WORK FOR THAT ENTITY AND THE PERIOD OF TIME IS PASSED.

I SUPPOSE WITH THAT DISCLOSURE I CAN VOTE ON THESE AND ANY IN THE FUTURE, IS THAT CORRECT?

>> THAT'S CORRECT.

>> THEN I NEED TO DISCLOSE I WILL ABSTAIN ON ITEM 20.

BECAUSE OF WORK THAT MY LAW FIRM DOES FOR THAT APPLICANT.

ANY OTHER DISCLOSURES?

COMMISSIONER WOODBURY?

>> ITEM 3 AND 4 AS FAR AS I KNOW OUR LAW FIRM STILL DOES SOME WORK FOR THAT APPLICANT.

SINCE I'M NOT CERTAIN, I WILL ABSTAIN ON THAT.

>> OTHER DISCLOSURES?

A MOTION TO APPROVE THE ROUTINE ACTION ITEMS.

CAST YOUR VOTE.

MOTION CARRIES.

>> FOR THE AUDIENCE'S INFORMATION, ANYONE THAT WISHES TO SPEAK ON AN ITEM, MOVE TO THE FIRST COUPLE OF ROWS AND BE PREPARED TO SPEAK AS EACH ITEM IS HEARD.

THERE ARE SEVERAL SPEAKERS FOR ONE ITEM AND IT IS SUGGESTED A SINGLE REPRESENTATIVE BE APPOINTED TO PRESENT THE ISSUES.

OUR NEXT ITEM IS ITEM 10.

DR-0553-08 DESIGN REVIEW FOR AN OFFICE/RETAIL COMPLEX ON .7 ACRES IN A C-1 ZONE.

GENERALLY LOCATED ON THE WEST SIDE OF BERMUDA ROAD.

THE RETAIL BUILDING SATISFIES ALL TITLE 30 REQUIREMENTS AND POLICIES AND GUIDELINES OF THE ENTERPRISE USE LAND.

CROSS ACCESS IS PROVIDED WITH COMMERCIAL DEVELOPMENT TO THE NORTH WHICH IS ENCOURAGED BY TITLE 30 TO LIMIT ACCESS POINTS TO ARTERIAL STREETS.

HOWEVER, STAFF IS CONCERNED ABOUT THE POSSIBLE NEGATIVE IMPACT ON ADJACENT RESIDENTIAL NEIGHBORHOOD TO THE WEST AND SOUTH.

DUE TO GRAVE DIFFERENCES, THE PROPERTIES TO THE WEST ARE HIGHER THAN THE PROPOSED RETAIL DEVELOPMENT.

ANY ROOF MOUNTED EQUIPMENT ON THE OFFICE RETAIL BUILDING MAY BE VISIBLE FROM THE SECOND STORY BUILDINGS OF THE ADJACENT RESIDENTIAL DEVELOPMENT.

WITH CONDITIONS TO HELP MITIGATE POTENTIAL NEGATIVE IMPACTS TO THE ADJACENT RESIDENTIAL DEVELOPMENT, STAFF CAN SUPPORT THIS APPLICATION.

THEREFORE STAFF RECOMMENDS APPROVAL SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA.

TOWN BOARD RECOMMENDS APPROVAL WITH LESS INTENSIVE LANDSCAPE ON SOUTH AND WEST PROPERTY LINE.

ONE ROW OF TREES INSTEAD OF TWO ROWS.

WE HAVE RECEIVED THREE CARDS IN APPROVAL.

>> GOOD MORNING.

>> GOOD MORNING, COMMISSIONERS.

JOE LEEDY WITH G.C. WALLACE REPRESENTING THE APPLICANT.

JUST TO START, THE APPLICANT IS WILLING TO GO EITHER WAY WITH THE LANDSCAPE ISSUE, WHETHER THEY USE INTENSE OR NOT.

THEY DON'T WANT TO DELAY THE PROJECT.

THEY WANT IT TO MOVE FORWARD.

AT THE TOWN BOARD MEETING IT WAS BROUGHT UP BY THE TOWN BOARD THAT WITH THIS INTENSE LANDSCAPE BUFFER THAT THE TREES ARE SO OVERLAPPED YOU -- YOU CAN SEE IT ON THE LANDSCAPE PLAN SHOWN -- THAT IT BECOMES A MAINTENANCE ISSUE AND IT ACTUALLY, AFTER THE TREES MATURE, THEY BECOME IMPAIRED BY THE OVERGROWTH.

A NORMAL SPACING IS HALF WHAT IS REQUIRED IN THE INTENSE LANDSCAPE BUFFER.

IT WOULD BE A -- THIS IS A NORMAL SPACING RIGHT HERE.

WITH 20 FEET SPACING BETWEEN THE TREES.

WHEREAS THIS SPACING HERE IS THE INTENSE LANDSCAPE SPACING.

AND IT SHOWS IT AT 10 FEET BETWEEN TREES AND THEY'RE SLIGHTLY STAGGERED.

BUT YOU CAN SEE ONCE -- THESE ARE PINES.

ONCE THEY MATURE IN FIVE TO 10 YEARS, THEY'D JUST BE INTERTWINED WITH BRANCHES AND BE HARD TO MAINTAIN.

THE PROPOSED DENTIST OFFICE IS A FAIRLY SMALL STRUCTURE.

5,000 SQUARE FEET WITH A PROPOSED EXPANSION IN THE FUTURE UP TO 7,000 SQUARE FEET.

BUT IT IS NOT A REALLY INTENSE COMMERCIAL USE.

>> SO HOW WOULD YOU DESCRIBE THE TYPE OF LANDSCAPING YOU THINK WOULD BE REASONABLE TO PUT IN AND TO MAINTAIN?

>> BEG YOUR PARDON?

>> HOW WOULD YOU DESCRIBE WHAT YOU THINK IS REASONABLE THERE?

>> WELL, THE STANDARD 20-FOOT SPACING THAT THE LANDSCAPING THAT IS CONSIDERED NONINTENSE. THAT'S WHAT THE TOWN BOARD THOUGHT WOULD LOOK BETTER IN THERE.

>> STAFF HAVE ANY COMMENTS ON THAT?

>> THE CODE REQUIRES THAT HE DOES THE DOUBLE ROW OF TREES DUE TO THE THREE TO ONE SETBACK.

THAT CAN BE WAIVED WITH THE CONDITION TO APPROVE WITH ONE ROW.

THE CODE REQUIRES 10-FOOT MINIMUM FOR DOUBLE ROWS FOR THE LANDSCAPE WIDTH.

SO I THINK THEY'RE AT 10 FEET.

SO FOR THE HEALTH OF THE TREES AND SCREENING, PROBABLY WOULD BE THE SAME AND THE HEALTH OF THE TREE WOULD BE BETTER IF WE JUST DID ONE ROW IN THE 10-FOOT SPAN.

>> SO IN TERMS OF LANDSCAPING, I DEFER TO MY WIFE.

CAN I BRING HER IN ON THAT?

>> COMMISSIONER COLLINS?

>> I DISAGREE.

YOU HAVE NEVER BEEN TO A FOREST OR SOMETHING.

I HAVE GROWN THEM AND I HAVE SOME ONLY 10 FOOT APART.

LY GO ALONG WITH THE MAKER OF THE MOTION OR THE COMMISSION.

I THINK YOU DISCHARACTERIZED MONDALE PINES.

>> I WOULD THINK 10 FOOT WOULD WORK BEST IN THIS CIRCUMSTANCE.

I WILL MAKE A MOTION TO APPROVE ITEM 10 WITH THE TOWN BOARD RECOMMENDATION.

>> ANY DISCUSSION ON THAT?

CAST YOUR VOTE ON THE MOTION.

MOTION CARRIES.

>> OUR NEXT ITEM IS 21.

ZC-0264-08 ZONE CHANGE FOR .6 ACRES FROM R.E. TO C.P.

WAIVERS OF DEVELOPMENT STANDARDS FOR THE FOLLOWING.

REDUCE THE WIDTH AND REDUCE PERIMETER LANDSCAPING, ALLOW UNSCREENED MECHANICAL ROOF EQUIPMENT.

CONVERT EXISTING RESIDENCE TO AN OFFICE.

GENERALLY LOCATED 140 FEET SOUTH OF WINDMILL LANE, 950 EAST OF SPENCER STREET.

WITH THE WAIVERS OF DEVELOPMENT STANDARDS LISTED IN YOUR AGENDA, STAFF CANNOT SUPPORT THE REQUEST TO C.P. ZONING BUT SUPPORT REDEDUCTION TO C.R.T. ZONING TO MATCH THE OTHER THREE PROPERTIES ON THE CUL-DE-SAC.

WINCHESTER PARADISE LAND USE PROVIDES OPPORTUNITIES FOR NEW OFFICE PROFESSIONAL DEVELOPMENTS AND FOR EXISTING RESIDENTIAL USES TO CONVERT TO OFFICE USES IN APPROPRIATE LOCATIONS.

STAFF CANNOT SUPPORT THE REQUEST FOR REDEDUCTION AND FINDS THE SELF IMPOSED HARDSHIP THAT CAN BE RESOLVED BY DEMOLISHING ACCESSORY BUILDINGS THAT THE APPLICANT DOESN'T INTEND TO USE.

PERIMETER LANDSCAPING IS MATURE AND COUPLED WITH THE EXISTING 12-FOOT HIGH WALL PROVIDES A SUFFICIENT BUFFER TO EXISTING ADJACENT RESIDENTIAL DEVELOPMENT.

THE APPLICANT STATES THE ROOFTOP MECHANICAL EQUIPMENT IS FOR EMERGENCIES ONLY BUT IT DOES NOT PROVIDE SUFFICIENT JUSTIFICATION FOR ALLOWING UNSCREENED ROOFTOP MECHANICAL EQUIPMENT.

THIS IS A SELF IMPOSED HARDSHIP AND COULD BE RECTIFIED WITH PROPER SCREENING.

STAFF CANNOT SUPPORT THE REQUEST TO ELIMINATE THE TRASH ENCLOSURE.

THE APPLICANT COULD ALLEVIATE THE NEED FOR THE WAIVER IF THE LETTER WERE APPROVED FROM THE REFUSE COMPANY STATING THE SERVICE IS NOT REQUIRED.

HOWEVER, NO LETTER HAS BEEN PROVIDED, NOR WAS A SUITABLE JUSTIFICATION GIVEN TO ONE APPROVAL OF SUCH A WAIVER.

THEREFORE STAFF RECOMMENDS APPROVAL OF THE ZONE CHANGE AND WAIVER OF DEVELOPMENT STANDARDS TWO AND DENIAL OF WAIVER OF DEVELOPMENT ONE, THREE, FOUR AND THE DESIGN REVIEW. IF APPROVED SUBJECT TO THE CONDITIONS AS LISTED IN THE AGENDA, TOWN BOARD RECOMMENDED DENIAL OF WAIVERS ONE A AND B AND THREE AND FOUR.

WE RECEIVED ONE CARD IN APPROVAL AND ONE CARD IN PROTEST.

>> GOOD MORNING.

>> MORNING.

I'M HERE TO CHANGE ZONING FROM R.E. TO C.R.T. ON AN EXISTING BUILDING TO CHANGE TO SMALL OFFICE.

AND REGARDING THE WAIVERS FOR THE MECHANICAL ROOF EQUIPMENT, I HAVE NO PROBLEM WITH SURROUNDING THAT EQUIPMENT.

AND THE TRASH ENCLOSURE, I DID CALL THE REPUBLIC SERVICES AND THEY SAID TO BRING THE BILL TO SHOW THAT I DO HAVE RESIDENTIAL SERVICES AT THAT PROPERTY AT THIS POINT.

AND REGARDING THE WAIVER FOR THE DRIVE AISLE, IT'S BASICALLY ONE LEG OF ONE SPACE THAT IS REDUCED DUE TO THE ANGLE OF THE BUILDING ON THE PROPERTY.

IT IS CATCHING THE CORNER.

SO INSTEAD OF THE 24-FOOT ON THE ONE LEG, I'M GETTING 18 FEET BECAUSE OF THE ANGLE OF THE BUILDING.

ON THAT SIDE.

ON THE OTHER SIDE, ON THE WEST SIDE WHERE THEY'RE SAYING THE WAIVER NEEDS TO BE, I HAVE NO PARKING SPACES THERE.

NOTHING IS DESIGNATED FOR THAT SIDE WHATSOEVER.

AND THE PAVEMENT ACTUALLY STOPS AT THAT POINT.

I HAVE PUT IN BIG CHUNKY DECORATOR ROCKS ON THAT SIDE SO NOBODY WOULD BE EVEN THINKING ABOUT DRIVING INTO THAT AREA.

SO I THINK THE ONLY -- THE BIGGEST ISSUE IS THAT ONE SPACE OR THAT ONE LEG ON THE FAR SIDE WHERE THE PARKING IS DESIGNATED THAT IS REDUCED.

I CAN'T RECTIFY THAT BECAUSE OF THE ANGLE OF THE BUILDING.

>> THIS IS A PUBLIC HEARING.

ANYONE ELSE HERE TO SPEAK ON THIS?

COMMISSIONER WOODBURY, THIS IS YOUR DISTRICT.

>> AS I UNDERSTAND, THE APPLICANT REDUCES IT TO C.R.T.

WELL, I'M INCLINED TO GO WITH THE STAFF RECOMMENDATION.

I WILL PUT THAT ON THE FLOOR AS A MOTION.

IT IS OPEN TO ANY INPUT FROM COMMISSIONERS ON SOME OF THE DESIGN ISSUES.

>> THERE IS A MOTION FOR APPROVAL PER STAFF.

IS THERE DISCUSSION?

COMMISSIONER GIUNCHIGLIANI?

>> I'M LOOKING AT THE TOWN BOARD RECOMMENDSS.

STAFF RECOMMENDATION WAS SUBJECT TO DENIAL OF WAIVERS 1-A AND B, IS THAT CORRECT?

>> THEIR RECOMMENDATION BASICALLY IS THE SAME AS STAFF'S.

>> OK.

THAT'S WHAT I WANTED TO KNOW.

THANK YOU.

THAT'S WHAT THE MOTION IS.

>> ANY OTHER DISCUSSION?

CAST YOUR VOTE.

MOTION CARRIES.

>> ITEM 22 AND 23 HAVE BEEN HELD.

THAT BRINGS US TO ITEM 24.

ZC-0528-08 ZONE CHANGE TO RECLASSIFY .5 ACRES FROM H-2 TO C-2.

WAIVER OF DEVELOPMENT STANDARDS FOR REDUCED LANDSCAPING AND DESIGN REVIEW FOR A RESTAURANT WITH OUTSIDE DINING.

GENERALLY LOCATED ON THE SOUTH SIDE OF DESERT INN ROAD AND WEST SIDE OF BOULDER HIGHWAY.

THE REQUESTED ZONE CHANGE CONFORM TOTS MASTER PLAN OF COMMERCIAL GENERAL.

STAFF CAN SUPPORT THE REQUEST DUE TO REDUCED LANDSCAPING AS SIDEWALKS AND PROPOSED LANDSCAPING WILL EITHER MATCH OR PROVIDE MORE LANDSCAPING COMPARED TO THE ADJACENT PROPERTIES.

ALTHOUGH THE PROPOSED PARKING NEEDS TITLE 30 REQUIREMENT, STAFF HAS CONCERN THAT IT WILL BE UNDERPARKED.

NO SEAT SOMETHING PROVIDED INDOORS.

THE OUTSIDE DINING PARKING IS PROVIDED AT TWO PER THOUSAND.

IF SEATING WAS INDOOR IT IS WOULD BE 10 PER THOUSAND.

FOUR ADDITIONAL SPACES WOULD BE NEEDED.

COMPLYING WITH THE FOLLOWING POLICIES OF THE WINCHESTER LAND USE PLAN.

ENCOURAGES COMMERCIAL LAND USE TO DEVELOP ALONG ROUTES SERVED BY MASS TRANSIT.

7.6 ENCOURAGES PROVIDING PERIMETER AND INTERIOR PARKING LOT TREES FOR SHADE AND VISUAL RELIEF.

8.3 ENCOURAGES COMMERCIAL DEVELOPMENT TO USE ENHANCED ARCHITECTURAL.

INCLUDING THE PROPOSED PROJECT HAS BEEN DESIGNED TO MEET MANY OF THE POLICIES LISTED IN THE WINCHESTER PARADISE LAND USE PLAN AND THE RESTAURANT SHOULD NOT HAVE NEGATIVE IMPACT ON THE SURROUNDING PROPERTIES.

THEREFORE STAFF CAN SUPPORT THIS REQUEST.

THE SIDEWALK ALONG THE SUBJECT PROPERTY EXISTS AND ATTACHED.

THE ADJACENT AND SURROUNDING PROPERTIES HAVE ATTACHED SIDEWALKS THEREFORE THEY CAN SUPPORT DETACHED SIDEWALKS.

STAFF RECOMMENDS APPROVAL OF THE ZONE CHANGE AND WAIVER OF DEVELOPMENT STANDARDS AND DENIAL OF THE DESIGN REVIEW.

IF APPROVED SUBJECT TO THE CONDITIONS AS LISTED IN THE AGENDA, TOWN BOARD RECOMMENDED APPROVAL.

>> GOOD MORNING.

REPRESENTING THE APPLICANT AS WELL AS CHECKERS HAMBURGERS, THE FAST FOOD FRANCHISE REQUESTING TO GO ON THE SITE.

WE APPRECIATE THE TOWN BOARD APPROVING THE REQUEST.

TO ADDRESS JUST ON STAFF ISSUES OF PARKING.

WE DO HAVE AN OUTDOOR SEATING AREA.

IT IS LARGER THAN WHAT OTHER SITES THAT WE'RE DOING APPLICATIONS FOR AS WELL AS LARGER THAN WHAT CHECKERS HAMBURGERS HAS DONE IN OTHER SITES AROUND THE COUNTRY.

THE REASON AND DESIRE FOR THAT IS THE FACT THAT IT IS D.I. AND BOULDER HIGHWAY.

A BUSY INTERSECTION WITH A LOT OF FOOT TRAFFIC.

THERE IS ANTICIPATED TO BE A BUS STOP IN FRONT OF THE PROPERTY WHICH MAY ALSO HAVE A REQUIREMENT FOR ADDITIONAL PUBLIC FACILITIES WHICH WE HAVE TRIED TO PROVIDE FOR WITH ADDITIONAL PARKING.

NOTING, OF COURSE, THERE IS EXPECTED TO BE AT SOME POINT A MAX BUS STOP THERE.

WE HAVE TALKED TO R.T.C. ABOUT THAT.

THE BELIEF IS THROUGH CIVIL ENGINEERING THERE IS AMPLE ROOM TO PUT IN A FACILITY THEY'LL NEED IN THE FUTURE.

WE HAVE TRIED TO PROVIDE EXTRA JUST FOR THE GENERAL PUBLIC'S USE.

IN ACCORDANCE WITH TITLE 30 IT IS TWO PARKING SPACES PER THOUSAND.

PER TITLE 30 WE HAVE OVERPARKED BY FOUR SPACES.

WE HAVE TRIED TO ACCOMMODATE THAT AS WELL.

A FUNCTION OF A CHECKERS HAMBURGER RESTAURANT IS IT IS A DOUBLE DRIVE THROUGH RESTAURANT. THEY HAVE ONE WALK-UP WINDOW.

BEYOND 90% OF BUSINESS EXPERIENCE ACROSS THE COUNTRY, IT IS PURELY JUST A DRIVE THROUGH RESTAURANT.

IT ISN'T REALLY -- THEY DON'T GO AFTER LIKE A MCDONALD'S THAT HAS SEATING INSIDE A DINING ROOM AND THINGS LIKE THAT.

THAT'S THE PARKING ISSUE THAT STAFF HAS ADDRESSED AND THAT'S THE APPLICANT'S RESPONSE TO THAT.

ADDITIONALLY WE HAVE BEEN WORKING WITH STAFF PRIOR TO THE TOWN BOARD MEETING, ALL THROUGH THIS AS WELL AS RECENTLY AS YESTERDAY IN ORDER TO COME TO AGREEMENT ON AN ISSUE.

THE ISSUE THAT WE HAVE THAT WE'D LIKE TO ADDRESS AND THAT WE'D LIKE TO MODIFY STAFF RECOMMENDATIONS AND WE HAVE TALKED TO STAFF ABOUT THIS AND IT IS THEIR WORDING THAT WE BRING FORTH THIS MORNING.

WE HAVE MET WITH KENT SEARS AND HIS OFFICE AT MDOT REGARDING BOULDER HIGHWAY AND SPOT IMPROVEMENTS THERE.

MDOT DOESN'T WANT IMPROVEMENTS MADE ALONG BOULDER HIGHWAY BUT HAS GIVEN US PERMISSION AND ABILITY TO USE THE EXISTING CURB CUTS FOR IN AND OUT, ENTRANCE AND EXIT ON BOULDER HIGHWAY.

BUT THEY DO NOT WANT NEW CONSTRUCTED.

THEY WANT US TO USE WHAT IS THERE.

WE HAVE TALKED TO -- I'M GOING TO BE HORRIBLE WITH HIS NAME -- PETER SEKIOKA, COUNTY TRAFFIC ENGINEER, REGARDING THIS.

HE HAS AGREED TO WHAT WE HAVE SAID.

AS FAR AS USE IS THERE AND NOT REQUESTING A NEW APPLICATION, NEW PERMIT FROM MDOT TO GO FORWARD.

ELIZABETH SIGNS, WE SPOKE TO HER.

AS WE UNDERSTAND SHE IS THE ONE THAT WROTE THE STAFF REPORT.

WE HAVE MADE A REQUEST THROUGH HER AND HAVE GOTTEN HER AGREEMENT AS WELL.

THE EXISTING CURB CUT THAT WILL BE USED IS THE ONE ON THE VERY SOUTH.

THE PARCEL IS RATHER ODDLY SHAPED.

SITS ON A CORNER WITH AN ANGLE.

WE CALL IT THE SOUTHEAST CORNER ALONG BOULDER HIGHWAY NEAR THE MINI STORAGE FACILITY NEXT DOOR.

THAT IS USED FOR THE IN AND OUT.

WE WILL NOT BE MAKING ANY CHANGES TO THAT IF THE BOARD WILL GRANT US THAT.

WE HAVE TALKED TO R.T.C. AS I STATED EARLIER REGARDING THE FACT THAT THERE IS AN ANTICIPATION OF SOME POINT IN THE FUTURE THEY'LL WANT TO PUT A FACILITY THERE.

THERE IS AMPLE ROOM ON THE BACK SIDE OF THE SIDEWALK.

WE WILL, AS STATED IN STAFF'S NOTES, WE'LL USE EXISTING SIDEWALKS THERE.

THERE IS ROOM FOR FACILITIES THEY'LL NEED AT SOME POINT IN TIME.

WE'LL WORK WITH R.T.C. TO MAKE SURE THEY HAVE WHAT THEY NEED AND WHATEVER THE APPLICANT CAN PROVIDE.

PER STAFF AND OUR DISCUSSIONS, WHAT WE'D LIKE AND THEIR RECOMMENDATION IS TO STATE THAT ANY IMPROVEMENTS ALONG BOULDER HIGHWAY WILL BE DONE AS REQUIRED BY MDOT AND THE COUNTY WILL NOT REQUIRE SPOT IMPROVEMENTS SO WE CAN USE EXISTING FACILITIES THAT ARE THERE.

THERE WILL BE MODIFICATIONS ALONG BOULDER HIGHWAY -- EXCUSE ME, DESERT INN.

WE HAVE MET WITH TRAFFIC TO MAKE IT A SMOOTHER IN AND OUT.

AS MANY OF US KNOW AT 5:00, IT IS A BUSY PLACE TO BE AS YOU HEAD EAST.

I WOULD WELCOME COMMENTS OR QUESTIONS OR ANYTHING THAT I CAN ANSWER.

I DON'T KNOW IF THE OVERHEAD IS UP.

THIS IS THE EXISTING CURB CUT THAT WE ARE REFERRING TO HERE THAT IS USED FOR THE IN AND OUT.

THIS IS THE AREA THAT WE HAVE IN ANTICIPATION THAT R.T.C. WILL PROBABLY WANT TO PUT SOME TYPE OF FACILITY FOR THE MAX BUS.

THE OUTDOOR PARKING THAT IS IN QUESTION IS THIS AREA RIGHT HERE.

THIS IS COVERED.

THIS IS WHAT YOU SEE IN FUTURE APPLICATIONS.

THIS IS THE EXTENDED THAT WE'RE ADDING TO WHAT IS NORMAL FOR CHECKERS.

>> ANY QUESTIONS AT THIS TIME?

>> GOOD MORNING, SIR.

FIRST QUESTION I HAVE IS THIS THE STANDARD FOOTPRINT THAT THIS RESTAURANT USES IN OTHER LOCATIONS THAT YOU SPOKE ABOUT?

>> CORRECT.

IT IS.

819 SQUARE FOOT BUILDING.

THIS BUILDING, IN FACT, IS MANUFACTURED AND IS BROUGHT IN AND DELIVERED IN ITS ENTIRETY ON SITE.

BUT IT IS A STANDARD 819-FOOT RESTAURANT THAT YOU WOULD FIND HERE OR IN FLORIDA.
>> THE OTHER RESTAURANTS YOU USE THAT DOUBLE DRIVE?
>> CORRECT.
>> I WAS PICTURING ON THE LINE OF A SONIC WITHOUT THAT OLD SCHOOL TYPE FEELING WHERE YOU DRIVE UP.
IT'S NOT THAT TYPE OF FEEL?
>> A SONIC IS A GREAT REPRESENTATION WITHOUT THE PARKING SPACES THAT GO ALONGSIDE THE BUILDING.
>> THANK YOU.
>> THIS IS A PUBLIC HEARING.
IS THERE ANYONE HERE TO SPEAK ON THIS?
>> THEY'RE IN RIVERSIDE.
THEY'D BE A LITTLE COLD.
>> I WILL CLOSE THE PUBLIC HEARING.
COMMISSIONER GIUNCHIGLIANI.
>> DESERT INN, THE PULL IN OFF THE DESERT INN SIDE BUT THEY CAN'T EXIT THERE?
>> THEY WILL BE ABLE TO DO BOTH.
THE MODIFICATION THAT WE TALKED TO TRAFFIC ABOUT IS OPENING THIS UP A LITTLE BIT.
>> LESS OF A THROAT.
>> CORRECT.
WE ALSO HAVE RIGHT IN HERE THERE IS A DRAINAGE GRATE FOR STORM DRAIN.
AND SO TO ACCOMMODATE THE EXISTING FACILITY, THERE IS A DRIVEWAY THERE.
THAT HAS BEEN USED FOR IN AND OUT IN THE PAST.
IT WAS FORMERLY A SERVICE STATION.
WHAT WE REQUESTED IS TO OPEN THIS UP SO IT MAKES IT AN EASIER INGRESS AND BETTER AND SAFER.
>> CIVIL IS OK WITH THAT BECAUSE IT IS THE CURRENT?
>> DESERT INN DRIVEWAY IS OK WITH US.
JUST WANT TO CLARIFY THE ISSUE WITH THE DRIVEWAYS ALONG BOULDER HIGHWAY.
OUR ATTEMPT FOR THE COMMENTS FOR THE RECONSTRUCTING UNUSED DRIVEWAYS WAS DEFINITELY FOR DESERT INN.
WE REALIZE THE STATE HAS THEIR OWN PLANS ALONG BOULDER HIGHWAY.
THAT IS MDOT APPROVAL CONDITION.
RECONSTRUCT IS FOR DESERT INN ONLY.
>> WE'RE NOT HAVING ANY MORE CURB CUTS WHICH SLOWS DOWN TRAFFIC.
THEN R.T.C. FACILITY, YOU ARE TALKING ABOUT A COVERED BENCH I'M ASSUMING OR SOMETHING ALONG THOSE LINES.
DO YOU PARTICIPATE ANY COST WITH R.T.C., OR HAS THAT BEEN A PART OF THE DISCUSSION?
>> R.T.C. HAS NOT EXPRESSED THAT.
WHATEVER THE DESIRE IS.
>> THEY MAY ASK YOU TO PARTNER SO WE CAN GET COVERED SEATING FOR FOLKS.
THAT'S ONE THING THEY'RE SUPPOSED TO WORK ON.
YOU MEET THE PARKING, ALTHOUGH STAFF HAD A CONCERN.
YOU MEET PARKING BECAUSE IT IS AN OUTDOOR DINING VERSUS INDOOR DINING.
SO HAVE WE RESOLVED ISSUE OF THE ADDITIONAL FOUR SPACES?
>> THE SITE PLAN IS RIGHT NOW AND ATTEMPTS TO RECONFIGURE, WE ARE UNABLE TO FIND A WAY TO PROVIDE FOR ADDITIONAL PARKING AND ALLOW FOR STACKING FOR THE DRIVE THROUGH LINES.
>> WHAT PERCENTAGE DID YOU SAY NATIONALLY CHECKERS HAS AS FAR AS DRIVE THROUGH VERSUS WALKING UP TO THE WINDOW?
>> ABOUT 90%.
THEY HAVE ALMOST NO SIT DOWN AT ALL.
THE ONLY DESIRE IN THIS CASE WAS PURELY DUE TO THE LOCATION OF THE INTERSECTION.
>> FOOT TRAFFIC ALREADY.
YOU OK WITH THAT?
>> WHAT -- CAN YOU SHOW ME ON THE PLAN HERE WHERE THE WALK-UP WINDOW WOULD BE AND HOW PEDESTRIAN FRIENDLY THAT IS?
YOU WOULDN'T HAVE A LOT OF INTERACTION WITH THE DOUBLE DRIVE THROUGH OR WOULD YOU?

BASED ON WHAT YOU POINTED OUT, I MEAN SAFETY ISSUE OF PEOPLE WALKING UP TO THE WINDOW AND CARS COMING FROM TWO DIFFERENT DIRECTIONS.

>> THE RESTAURANT HAS NOT EXPERIENCED ANYTHING BEFORE.

CARS ARE STOPPED RIGHT HERE.

WITH THE WINDOW BEING IN THE FRONT SO THERE IS CLEAR VIEW TO PEDESTRIAN TRAFFIC GOING BACK AND FORTH.

>> OK.

I WILL MAKE A MOTION TO SUPPORT WITH THE NOTATION THAT WAS MADE PUBLICALLY ABOUT WORKING OUT WITH CIVIL THAT THE THROATS WILL BE WIDENED ON THE DESERT INN SIDE AND NO CHANGES TO THE CUTOUTS ON THE BOULDER HIGHWAY SIDE PER MDOT.

IF R.T.C. REQUESTS SOME FUNDING OR PARTNERSHIP, CHECKER ALSO WORK WITH THEM ON THAT PART OF IT.

>> ANY DISCUSSION ON THE MOTION?

CAST YOUR VOTE.

MOTION CARRIES.

>> THANK YOU VERY MUCH.

>> OUR NEXT ITEM IS 25, NZC-0406-08.

ZONE CHANGE TO RECLASSIFY 1.2 ACRES FROM R.E. AND C.P. TO C-2.

A MAJOR CHANGE IN THE AREA IN THE LAST FEW YEARS HAS BEEN THE ESTABLISHMENT OF C-2 ZONING FOR SHOPPING CENTER TO THE WEST ACROSS PECOS ROAD WITH HOME DEPOT AND NEW PLACE OF WORSHIP LOCATED TO THE NORTH OF THE SUBJECT SITE.

THESE CHANGES INDICATE A GROWING INTENSIFIED COMMERCIAL DEMAND IN THE AREA.

THE CORNER PARCEL BECOMING C-2 IS IN CONFORMANS WITH THE PLAN AND REESTABLISH A ZONE PREVIOUSLY ON THE SITE THAT EXPIRED.

IN RECLASSIFYING THE NORTH PARCEL OF C.P. ZONING IN MARCH 1999, DESIRE FOR TRANSITION BETWEEN THE INTENSE CORNER AND RESIDENTIAL TO THE NORTH AND EAST FROM FORM THE BASIS FOR THE ZONING.

WHILE THERE HAVE BEEN CHANGES TO THE AREA, THE BASIC TRANSITIONAL ZONING CONCEPT IS STILL PRESENT.

A C-2 ZONE WOULD ALSO ALLOW USES NOT COMPATIBLE WITH THE PLACE OF WORSHIP.

PLACE OF WORSHIP TO THE NORTH TO WHICH THE SITE HAS SHARED ACCESS CREATES A DEFINITIVE CONCERN RELATING TO THE COMPATIBLE USES.

A C-2 ZONE HAS AN EXTENSIVE LIST OF USES PERMITTED SUCH AS TATTOO SHOPS, AUTOMOBILE MAINTENANCE AND POTENTIAL FOR BEER AND WINE SALES AND A CONVENIENCE STORE WHERE C.P. ZONING WOULD NOT HAVE THE SAME IMPACT.

THEREFORE STAFF RECOMMENDS APPROVAL OF THE ZONE CHANGE FROM R.E.

TOWN BOARD RECOMMENDED C.P. ON THE ENTIRE SITE AND REQUESTED THE PARKING ON THE NORTH BE REDESIGNED.

WE HAVE RECEIVED ONE CARD IN PROTEST AND 20 SPEAKERS WERE AT PLANNING COMMISSION IN PROTEST.

THE PLANNING COMMISSION APPROVED THIS ITEM AT THEIR JUNE 3 MEETING SUBJECT TO THE CONDITIONS AS LISTED IN THE AGENDA.

WE'D LIKE TO HAVE THE FOLLOWING TWO CIVIL ENGINEERING CONDITIONS.

TRAFFIC STUDY TO ADDRESS THE DEDICATION AND CONSTRUCTION FOR BUS TURNOUTS INCLUDING PASSENGER LEARNING SHELTER AREAS IN ACCORDANCE WITH REGIONAL TRANSPORTATION COMMISSION STANDARDS.

>> GOOD MORNING.

>> GOOD MORNING.

CHAIRMAN REID, MEMBERS OF THE COMMISSION.

MY NAME IS JESS PEREZ.

I'M THE ARCHITECT REPRESENTING THE PROPERTY OWNERS, THE ZAIA FAMILY TRUST.

WE HAVE READ THE RECOMMENDATION FOR APPROVAL INCLUDING THE CONDITIONS.

IN CONSULTING WITH MY CLIENT WE ARE IN COMPLETE AGREEMENT.

SUBSEQUENT TO THE TOWN BOARD MEETING, THE PLANNING COMMISSION GRANTED UNANIMOUS APPROVAL SUBJECT TO CONDITIONS.

IN THE INTEREST OF BREVITY, WE'RE IN TOTAL AGREEMENT WITH THE RECOMMENDED CONDITIONS AND APPROVAL.

I HAVE EXHIBITS.

>> OK.

THIS IS A PUBLIC HEARING.

ANYONE HERE TO SPEAK ON THIS?

>> SECRETARY OF THE CHURCH.

WE HAVE MET WITH MR. ZAIA.

I ALSO MET WITH YOUR ASSISTANT.

WE ORIGINALLY HAD A PROBLEM.

WE CAN LIVE WITH C.P. DOWN OUR SIDE.

WE ARE ACTUALLY IN AGREEMENT AT THIS POINT AS LONG AS IT STAYS LIKE THAT AND THE EIGHT-FOOT BACK OF THE STALLS.

WE CONFIRM WE NO LONGER HAVE A CONFLICT.

THAT'S WHY THERE IS NOT A LOT OF PEOPLE AT THIS MEETING.

THAT'S ALL WE HAVE TO SAY.

>> LET ME ASK IF THERE IS ANYONE ELSE HERE TO SPEAK.

I APPRECIATE YOU WORKING TOGETHER.

I HAD A CONCERN WITH THE APPLICATION THAT WAS ORIGINALLY SUBMITTED.

IF I UNDERSTAND YOU, SIR, YOU ARE REDUCING THE NORTHERN PORTION TO C.P. AND ONLY THE CORNER WOULD BE C-2, CORRECT?

>> THAT IS CORRECT.

>> AND YOU ARE AGREEABLE TO THE OTHER STAFF CONDITIONS?

>> THAT IS ALSO CORRECT.

>> ALL RIGHT.

SO THANKS FOR WORKING TOGETHER.

MY MOTION IS FOR APPROVAL.

CONSISTENT WITH WHAT I JUST SAID.

>> PER PLANNING COMMISSION.

>> CORRECT.

OTHER DISCUSSION?

CAST YOUR VOTE.

>> ITEM 27, DR-0556-08, DESIGN REVIEW FOR A PRIVATE PEDESTRIAN GRADE SEPARATED WALKWAY AND SIDEWALK IN CONJUNCTION WITH APPROVED RESORT HOTEL ON 87.6 ACRES.

GENERALLY LOCATED ON THE WEST SIDE OF LAS VEGAS BOULEVARD SOUTH AND THE NORTH SIDE OF ECHELON RESORT DRIVE.

WITH THE BACKGROUND DESCRIBED IN THE AGENDA, THE PROPOSED TUNNEL WILL ENHANCE THE PEDESTRIAN RAIL ALONG LAS VEGAS BOULEVARD AND CREATE A SAFE ENVIRONMENT WHERE PEDESTRIANS ENJOY A RESORT CORRIDOR IN LAS VEGAS STRIP ATMOSPHERE WITHOUT CONFLICT OF PEDESTRIAN AND VEHICULAR TRAFFIC.

STAFF SUPPORTS THIS BECAUSE IT REDUCES CONFLICTS AT THE DRIVEWAY AND FACILITATES TRAFFIC FLOW AT THIS LOCATION OF LAS VEGAS BOULEVARD SOUTH.

THEREFORE STAFF RECOMMENDS APPROVAL SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA.

WE'D LIKE TO ADD THE FOLLOWING FOR CIVIL ENGINEERING.

REVISE CIVIL ENGINEERING TO COMPLY WITH APPROVED TRAFFIC STUDY.

DELETE CIVIL ENGINEERING BULLET 9, 10.

REVISE CIVIL ENGINEERING BULLET 11 TO READ MINIMUM WIDTH OF THE STAIRCASE WITHIN THE PEDESTRIAN ACCESS EASEMENT SHALL BE AS DETERMINED BY THE APPROVED TRAFFIC STUDY AND APPROVED PEDESTRIAN STUDY.

TOWN BOARD RECOMMENDED APPROVAL.

>> MORNING.

>> GOOD MORNING, CHAIRMAN AND COMMISSIONERS.

HERE REPRESENTING THE APPLICANT WHICH IS ECHELON RESORTS.

ALSO PRESENT THIS MORNING IS MIKE MATHIS, GENERAL COUNSEL FOR ECHELON.

WE APPRECIATE THE STAFF'S FAVORABLE RECOMMENDATION AND THAT OF THE TOWN BOARD.

THEIR DESCRIPTION HERE IS ACCURATE, OF COURSE.

WE THINK IT IS A SIGNIFICANT ADDITIONAL AMENITY TO THE OVERALL ECHELON PROPERTY IN THAT I GUESS AS WE ALL HAVE EXPERIENCED, IN A SITUATION LIKE THIS WHICH IS THE MAIN ENTRANCE OFF

LAS VEGAS BOULEVARD, AT OTHER PROPERTIES ON THE STRIP THERE IS A CONFLICT BETWEEN PEDESTRIANS AND PEOPLE WANTING TO TURN IN. THAT TIES UP PRIMARILY TRAFFIC ON LAS VEGAS BOULEVARD THAT STACKS UP WAITING FOR THE PEDESTRIANS TO CLEAR. AND TO SOME EXTENT IS SIMPLY UNSAFE BECAUSE YOU HAVE PEDESTRIANS FIGHTING THEIR WAY THROUGH CAR TRAFFIC OR VICE VERSA. BY GOING WITH THE UNDERPASS SOLUTION WE THINK WE HAVE RESOLVED AN IMPORTANT POTENTIAL TRAFFIC ISSUE AND AS STAFF SAYS WE THINK IT ENHANCES THE GENERAL FUNCTIONALTY OF THE REALM ALONG LAS VEGAS BOULEVARD. WE AGREE WITH THE CONDITIONS RECOMMENDED AND WE HOPE YOU APPROVE THE MATTER. >> CHAIRMAN REID ASKED ME TO ACT AS TEMPORARY CHAIR. ANYONE HERE TO SPEAK ON THIS ITEM? OVER TO COMMISSIONER GIUNCHIGLIANI. >> THANK YOU. THIS WILL BE LAS VEGAS' CHUNNEL. IT HAS BETTER INGRESS AND EGRESS THAN OTHERS ALONG THAT SECTION. I MOVE APPROVAL WITH STAFF REC. >> AS AMENDED. >> I GUESS THAT WOULD BE BETTER. >> CAST YOUR VOTE. MOTION CARRIES. >> THANK YOU VERY MUCH. >> ITEM 28 AND 29 ARE HELD. ITEM 30, WS-0270-08, RECONSIDERATION OF A WAIVER OF DEVELOPMENT STANDARDS FOR NONSTANDARD IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF PEACE WAY IN CONJUNCTION WITH A RESIDENTIAL DEVELOPMENT ON 49.4 ACRES IN AN R.E. ZONE. WAIVER OF CONDITIONS OF A ZONE CHANGE REQUIRING FULL OFFSITE IMPROVEMENTS TO INCLUDE FULL OFFSITES ALONG PEACE WAY TO DURANGO DRIVE WITH PHASE I OF THE DEVELOPMENT. GENERALLY LOCATED WITHIN PEACE WAY RIGHT-OF-WAY, 1,030 FEET EAST OF DURANGO DRIVE WITHIN SPRING VALLEY. A WHEEL WASHING FACILITY IS SET UP. THE COUNTY DOESN'T ALLOW THIS IN ITS RIGHT-OF-WAY. IT WAS APPROVED WITH A CONDITION TO CONSTRUCT PEACE WAY FROM BUFFALO DRIVE TO DURANGO DRIVE WITH FIRST PHASE OF DEVELOPMENT. THIS HAS NOT BEEN DONE AND THEREFORE STAFF CANNOT SUPPORT THIS APPLICATION AND RECOMMENDS DENIAL. IF APPROVED SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA. >> MORNING. >> GOOD MORNING. DAVID JENNINGS HERE FOR THE APPLICANT, 3030 MANAGEMENT, INC. MEMBERS OF THE COMMISSION, I APPRECIATE FIRST OF ALL YOU BEING WILLING TO RECONSIDER OUR APPLICATION. IT WAS DENIED ORIGINALLY BECAUSE WE DIDN'T APPEAR. THERE WAS A SCHEDULING CONFLICT -- NOT CONFLICT BUT SCHEDULING SNAFU ON OUR END. BUT THIS IS A UNIQUE PROJECT AND SO WE ARE REQUESTING I GUESS SORT OF A UNIQUE RESOLUTION. THE PROJECT IS A FORMER SAND AND GRAVEL PIT. IT'S ABOUT 40 ACRES IN SURFACE AREA AND ABOUT 250 TO 300 FEET DEEP. AS CAN YOU SEE ON THIS SITE PLAN THIS AREA RIGHT HERE IS THE PIT ITSELF. THIS IS DURANGO DRIVE. THIS IS THE UNIMPROVED PORTION OF THE PEACE WAY RIGHT-OF-WAY. IT'S IMPROVED UP TO THIS POINT. THEN THERE IS A CONVENIENCE STORE HERE. THE PROJECT IS TO FILL UP AND LEVEL OFF THIS AREA SO THAT IT NO LONGER IS A SAFETY CONCERN TO THE PUBLIC. IN THE 1965 ZONING CONDITION, A LONG TIMING A, DECADESING A WHEN ORIGINALLY APPROVED, THE CONDITION WAS THAT THIS NEEDED TO BE FILLED UP AND LEVELED OFF.

WE'RE ACTUALLY IN THE PROCESS OF DOING THAT.
AND THE WHEEL WASHER SYSTEM THAT WE HAVE SET UP, IT'S NOT A TRUCK WASHING FACILITY.
IT'S JUST A WHEEL WASHING FACILITY THAT WAS INSTALLED BY THE REQUEST AND DIRECTION OF
DEPARTMENT OF AIR QUALITY TO PREVENT TRACK OUT AND AIR QUALITY AND ENVIRONMENTAL ISSUES
ONTO THE EXISTING DURANGO DRIVE RIGHT-OF-WAY.
THAT'S ALL WE'RE DOING HERE.
THIS IS -- WE'RE BRINGING TRUCKS IN THAT ARE DUMPING CLEAN FILL.
WE HAVE AN OUTFIT HIRED TO HANDLE ALL OF OUR GEOTECHNICAL COMPACTION AND ENVIRONMENTAL
ISSUES SO WE ENSURE THIS IS JUST A CLEAN FILL SITE.
AGAIN THE WHEEL WASHER IS TO PREVENT AN ENVIRONMENTAL CONDITION FROM OCCURRING AS A
RESULT OF THE TRUCKS EXITING THE SITE.
I GUESS THE REAL ISSUE HERE IS CLOSURE OF THE ROAD.
RIGHT NOW IT'S NOT AN APPROVED PORTION OF RIGHT-OF-WAY.
THE PUBLIC HAS NEVER HAD ACCESS THROUGH THIS SECTION OF PEACE WAY.
WE PROPOSE THAT WE BE ALLOWED TO UTILIZE THIS SECTION OF PEACE WAY TO OPERATE OUR WHEEL
WASHER, BECAUSE FRANKLY IT IS A SAFETY ISSUE IF WE WERE TO OPEN THAT SECTION, IF THE
COUNTY WERE TO ALLOW THAT SECTION OF PEACE WAY TO BE OPEN TO THE PUBLIC.
AND SO WE REQUESTED THAT IT BE I GUESS CLOSED UNTIL THE PROJECT IS COMPLETED AND THERE IS
NO LONGER A SAFETY CONCERN.
A COUPLE OF THINGS WE HAVE DONE, WE HAVE WORKED WITH STAFF AND THE D.A.'S OFFICE TO
FINALIZE A REVOKEABLE LICENSE AND MAINTENANCE AGREEMENT BY WHICH THE COUNTY COULD -- WE
COULD USE THIS SECTION OF PEACE WAY FOR THESE LIMITED OPERATIONS.
THAT WOULD BE REVOKEABLE BY THE COUNTY ON 30 DAYS NOTICE IF THEY DECIDED TO CHANGE THEIR
MIND OR WE DIDN'T COMPLY WITH THE CONDITIONS.
WE ARE OK WITH THAT.
THAT HAS BEEN FINALIZED.
ROBERT THOMPSON APPROVED THE EXHIBITS TO THAT AGREEMENT.
I HAVE SIGNED IT.
IT IS BEING SUBMITTED OR MAYBE IT IS ALREADY SUBMITTED FOR YOUR APPROVAL.
IT IS NOT BEFORE YOU TODAY.
THAT'S PART AND PARCEL OF THIS PROJECT AND OUR APPLICATION.
I GUESS THE SECOND PORTION OF THIS IS THE WAIVER OF CONDITIONS WHICH IS IF YOU LOOK TO
THE EAST OF THIS DURANGO PIT, WE HAVE A RESIDENTIAL DEVELOPMENT THAT IS CURRENTLY ON HOLD
BUT IS MAPPED AND BEEN APPROVED BY THE COUNTY.
ONE OF THOSE CONDITIONS OF APPROVAL WAS TO COMPLETE THE IMPROVEMENTS ON PEACE WAY ALL THE
WAY THROUGH FROM DURANGO DOWN TO BUFFALO.
IF YOU SEE FROM THIS PORTION RIGHT HERE WHERE I'M INDICATING WITH MY HAND, IT'S ACTUALLY
IMPROVED UP TO THAT POINT.
IT WOULD REALLY BE A PORTION FROM THIS POINT OVER TO DURANGO.
EXCUSE ME.
OVER HERE TO DURANGO.
IT WOULD BE PART OF THE CONDITION OF APPROVAL OF THE BUFFALO RANCH PROJECT.
WE REQUEST THAT BE DEFERED.
NOT WAIVED.
WE INTEND ON AT PROPER TIME IMPROVING PEACE WAY SO IT IS ACCESSIBLE FOR PUBLIC USE.
BUT WHILE THE PIT PROJECT IS UNDERWAY AND WE HAVE AN ISSUE WITH SAFETY TO THE PUBLIC, IF
THAT WOULD BE OPEN, WE'D REQUEST THAT THE CONDITION THAT PEACE WAY BE COMPLETED IN THE
FIRST PHASE OF CONSTRUCTION OF THE BUFFALO RANCH DEVELOPMENT BE WAIVED OR DEFERED UNTIL
SUCH TIME AS THIS PIT PROJECT IS COMPLETE.
SO IT IS NOT A PUBLIC SAFETY ISSUE.
THAT'S BASICALLY THE PROJECT.
THAT'S BASICALLY OUR APPLICATION.
IF YOU HAVE QUESTIONS ABOUT IT.
>> LET ME SAY FIRST THIS IS A PUBLIC HEARING.
IS THERE ANYONE HERE TO SPEAK ON THIS?
COMMISSIONER BRAGER?
>> THANK YOU.

I APPRECIATE THE RECONSIDERATION.
STAFF SEEMS LIKE THEY WORKED OUT THAT ISSUE.
DO YOU HAVE COMMENTS BEFORE I MAKE A MOTION?
>> NO.

I WOULD LIKE TO SAY THAT THE APPLICANT HAS SHARED WITH US THE AGREEMENT FOR THE MAINTENANCE.
WE ARE GOOD WITH THAT.
WE CAN SUPPORT THAT.
WE ALSO TALKED ABOUT SIGNAGE AT THE DURANGO INTERSECTION TO BLOCK OR TO KEEP PEOPLE FROM DRIVING DOWN THAT WAY.
FROM WHAT I UNDERSTAND THEY HAVE SOMETHING CURRENTLY EXISTING AND FUTURE IMPROVEMENTS ON THAT TRAFFIC SIGNAGE.

SO WITH STAFF, WE CAN MOVE FORWARD.

>> WE MAKE A MOTION FOR APPROVAL WITH THE CONDITIONS SET FORTH WITH THE D.A.'S OFFICE. WHO DID YOU GO TO TO DO THAT?

>> D.A.'S OFFICE AND ROBERT THOMPSON.
>> EXCELLENT.

THAT WOULD MAKE IT SOMETHING THAT IS VERY WORKABLE.
MOTION FOR APPROVAL WITH THE 30-DAY REVOKING IF AT ANY TIME DEEMED NECESSARY.

>> HI A QUESTION ON THE DEFERMENT.

DO WE HAVE A TIME FRAME THAT WE WANT TO SET FOR THE DEFERMENT ON THE OFFSITES?

>> I THINK THAT -- HOW LONG UNTIL THE PROJECT -- YOU SAID FIVE TO EIGHT YEARS IS WHAT YOU ANTICIPATE?

>> THAT'S AN ESTIMATE.

WE HOPE SOONER BUT REALLY FIVE YEARS IS PROBABLY A GOOD ESTIMATE.
FIVE TO EIGHT YEARS.

>> FIVE-YEAR REVIEW TO SEE WHERE THEY ARE AND FEELING FILLING OF THE BIG HOLE.
OK.

>> YOU HEARD THE MOTION.
QUESTIONS?

CAST YOUR VOTE.

MOTION CARRIES.

WORKED OUT BETTER THAN THE FIRST TIME.

>> MUCH.

>> THAT WORKED OUT BETTER THAN THE FIRST TIME.

>> NEXT ITEM IS 31.

WS-0403-08 HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS FOR THE FOLLOWING.

ALLOW PARKING IN FRONT OF THE BUILDING OR PARKING AT THE SIDES OR REAR OF THE BUILDINGS ONLY IS PERMITTED.

ELIMINATE REQUIRED DRIVE AISLE WIDTH AND REDUCE STREET LANDSCAPING WIDTH.

A DESIGN REVIEW FOR AN ADDITION TO AN EXISTING OFFICE BUILDING ON .5 ACRES IN A C.P. ZONE IN THE RUSSELL ROAD TRANSITION CORRIDOR OVERLAY DISTRICT.

GENERALLY LOCATED ON THE NORTH SIDE OF RUSSELL ROAD, 125 FEET WEST OF MCLEOD DRIVE.

STAFF HAS RECEIVED REVISED PLANS DEPICTING A SINGLE STORY ADDITION AND WITHDRAW OF THE WAIVERS, STAFF CAN SUPPORT THIS APPLICATION.

THEREFORE THEY RECOMMEND APPROVAL SUBJECT TO CONDITIONS AS LISTED IN YOUR AGENDA.

PARADISE TOWN BOARD RECOMMENDED DENIAL.

WE RECEIVED TWO CARDS IN APPROVAL AND TWO CARDS IN PROTEST.

>> GOOD MORNING.

>> GOOD MORNING.

APPLICANT FOR THE OWNER, BANGOR, L.L.C.

WE CONCUR WITH STAFF'S CONDITIONS OF APPROVAL.

THAT'S IT.

WE REDESIGNED THE SITE, TOOK OUT THE CHANGE IN THE FRONT AND ADDED PER THEIR CONDITIONS THE TRAFFIC -- ONE-WAY TRAFFIC OUT OF THE REAR.

EVEN THOUGH ON THE EAST SIDE THERE IS A TWO-WAY TRAFFIC IN.
TO THE REAR.

OTHER THAN THAT --

>> JUST SO I UNDERSTAND, YOU REDUCED IT TO A SINGLE STORY AND YOU HAVE WITH DRAWN ALL THE WAIVERS?

>> CORRECT.

>> OK.

THIS IS A PUBLIC HEARING.

ANYONE HERE TO SPEAK?

>> PARADISE TOWN BOARD.

YES, THIS WAS A VERY UNACCEPTABLE APPLICATION WHEN IT FIRST CAME TO US.

BUT WE THANK YOU VERY MUCH FOR WORKING WITH YOUR CLIENT.

IT'S NOW VERY MUCH AN ACCEPTABLE PROJECT FOR WHICH WE'RE VERY PLEASED.

ONE OF THE THINGS THAT ALTHOUGH IT CONFORMS AND IT IS A GOOD LOOKING PROJECT AND EVERYTHING IS OK, ONE OF THE THINGS THAT HAPPENS IN A DECISION AND A MOTION FOR ANY KIND OF AN APPLICATION IS IF IT IS APPROVED, THAT'S ONE THING.

IF DENIED, THERE IS NO EXPLANATION ABOUT IT AND NO TIME LIMIT SET FOR PERHAPS A CHANGE IN ONE OF THE PARTS OF THE APPLICATION.

WHAT WE'RE ASKING FOR NOW IS THAT YOU APPROVE THE PLANS AS SUBMITTED AND IMPOSE CONDITIONS ON APPROVAL TO ELIMINATE THE CURRENT USE OF PARKING IN FRONT OF THIS BUILDING. THEY'RE CURRENTLY ON THE SIDE OF THE BUILDING.

THAT'S OK, ON THE EAST SIDE.

BUT WE HAVE SEEN AND EXPERIENCED THIS MANY TIMES BEFORE.

WHEN SOMETHING IS APPROVED, THE CONDITIONS WHICH EXIST WITHIN THAT APPROVAL ARE NOT FOLLOWED THROUGH.

IT TAKES A LOT OF WORK, A LOT OF TIME.

BELIEVE ME.

TO GET THAT ACCOMPLISHED.

WHAT I'M SPECIFICALLY REFERRING TO IS THE -- THIS IS THE FRONT OF THE BUILDING.

AND OVER HERE ON THE SIDE YOU CAN SEE A CAR IS PARKED.

NOW THAT HAS BEEN STRIPED.

THAT HAS BEEN STRIPED.

I DON'T KNOW IF YOU CAN EVEN SEE THIS IN THIS PICTURE.

THERE IS A STRIPE THERE INDICATING PARKING IS OK.

PARKING WAS NEVER APPROVED IN THIS APPLICATION BECAUSE YOU CAN'T PARK IN THE FRONT. ONLY ON THE SIDES AND REAR.

SO THESE PICTURES ARE VERY RECENT PICTURES.

YOU CAN SEE ONE, TWO, THREE, FOUR CARS ARE PARKED IN THE FRONT.

BASED ON EXPERIENCE, I DON'T KNOW THAT WOULD BE ELIMINATED IMMEDIATELY AFTER THE DECISION ON THIS APPLICATION IS MADE.

SO WE'D ASK THAT YOU HAVE A CONDITION -- IMPOSE A CONDITION IF YOU APPROVE THIS, WHICH WE RECOMMEND, TO ELIMINATE NOW THE PARKING IN FRONT OF THE BUILDING AND TO ELIMINATE THE CURRENT STRIPING WHICH IS IN THE FRONT OF THE BUILDING.

IF THIS WERE TO HAPPEN, I THINK IT IS SOMETHING THAT YOU CAN THINK ABOUT IN OTHER MOTIONS AND OTHER ITEMS.

BUT I THINK IT IS VERY IMPORTANT BECAUSE IT MAKES IT DIFFICULT FOR PUBLIC RESPONSE. IT TAKES A LONG TIME.

THEY HAVE TO GO BACK AND RESEARCH.

IF THE CONDITIONS ARE IMPOSED AT THIS TIME OF THE MOTION, IT WOULD HELP IN ACCELERATING THESE THINGS VERY MUCH SO.

THANK YOU.

>> THANK YOU.

IS THERE ANYONE ELSE HERE TO SPEAK?

LET ME ASK THE APPLICANT.

DO YOU WISH TO RESPOND TO THAT IN ANY WAY?

>> MY CLIENT HAS WORKED WITH THE NEIGHBOR ACROSS THE STREET FOR ADDITIONAL PARKING.

WE CERTAINLY COULD INDICATE ON THE PLANS TO BLACK OUT THOSE LINES THAT ARE APPLICABLE TO PARKING AT THE FRONT.

THE OTHER LINES THAT ARE THERE ARE FOR ACCESSIBILITY REASONS.

>> THANK YOU.

I APPRECIATE THE APPLICANT WORKING WITH INTERESTED PARTIES AND CERTAINLY THE APPLICATION BEFORE US, THE PLAN BEFORE US IS APPROPRIATE FOR THE AREA.

THE INITIAL APPLICATION WAS PROBLEMATIC.

I THINK EVERYBODY RECOGNIZED THAT.

I APPRECIATE THE WORK YOU ALL DID.

I WILL ASK OUR COUNCIL.

I HEARD WHAT MRS. HARVEY SAID.

I DON'T KNOW HOW TO DEAL WITH THAT.

IT SEEMS TO ME THAT MAYBE IT IS A PUBLIC RESPONSE FUNCTION.

I DON'T KNOW IF WE CAN IMPOSE A CONDITION ON A PROSPECTIVE APPROVAL THAT RELATES TO A CURRENT USE ON THE PROPERTY.

>> I THINK WE NEED TO ADDRESS IT THROUGH THE PUBLIC RESPONSE OFFICE.

>> OK.

AND FRANKLY I DON'T KNOW IF WHAT THE PICTURE INDICATES IS IN VIOLATION OF THE CODE OR EXISTING.

I BELIEVE MRS. HARVEY WOULDN'T SAY SO IF SHE DIDN'T BELIEVE IT.

>> IT'S A CONDITION OF THE RUSSELL ROAD ORDINANCE THAT YOU PARK ONLY ON THE SIDES AND IN THE REAR AND NOT IN THE FRONT.

SO THAT'S WHAT THIS IS BASED ON.

>> I THINK YOU PROBABLY WROTE THAT ORDINANCE.

IT WAS BEFORE I GOT HERE.

I APPRECIATE THAT.

SO WHAT YOU WANT TO DO -- I THINK WHAT WE SHOULD WANT TO DO IS ENFORCE THE ORDINANCE.

I DON'T KNOW IF WE CAN DO IT.

I DON'T THINK IT WOULD HELP -- THEY'RE NOT REQUIRED -- THE CONDITIONS ON THE ZONING APPROVAL ARE THERE TO PREVENT THEM FROM GETTING A BUILDING PERMIT UNLESS THEY DO WHAT WE TELL THEM TO DO.

THAT DOESN'T HAVE TO DO WITH CURRENT USE.

I WOULD ASK YOU TO CONTACT MY OFFICE, MRS. HARVEY, AND WE'LL WORK WITH PUBLIC RESPONSE TO ADDRESS THAT.

I THINK THAT'S THE ONLY WAY WE CAN.

I DON'T THINK WE CAN DO IT HERE TODAY.

MY MOTION WOULD BE FOR APPROVAL PER THE NEW PLAN SUBMITTED RECOGNIZING THAT THE HEIGHT HAS BEEN REDUCED TO SINGLE STORY AND WAIVERS HAVE BEEN WITH DRAWN.

ARE THERE QUESTIONS ON THE MOTION?

AGAIN, THANKS FOR WORKING WITH EACH OTHER TO RESOLVE THIS.

CAST YOUR VOTE.

MOTION CARRIES.

>> OUR NEXT ITEM IS 32.

WS-0427-08, HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS FOR THE FOLLOWING.

ANIMATED SIGN NOT PERMITTED IN THE C.M.A. DESIGN OVERLAY DISTRICT.

DESIGN REVIEW FOR A COMPREHENSIVE SIGN PACKAGE IN CONJUNCTION WITH AN APPROVED OFFERS AND RETAIL SHOPPING CENTER ON 3.3 ACRES IN A C-2 ZONE IN THE MUD-3 AND C.M.A. DESIGN OVERLAY DISTRICTS.

BACKGROUND AS DESCRIBED IN YOUR AGENDA.

STAFF FINDS THAT THE OVERALL SIGN PACKAGE INCLUDING THE WALL SIGNS MEETS REQUIREMENTS AND REGULATIONS OF THE SIGN CODE IN THE C.M.A. DESIGN OVERLAY DISTRICT WITH EXCEPTION OF THE ANIMATED SIGN.

ANIMATED SIGN IS SPECIFICALLY PROHIBITED IN THE C.M.A. AND EFFORT TO REDUCE VISUAL CLUTTER.

IN ADDITION THE BOARD OF COUNTY COMMISSIONERS DENIED ANIMATED SIGN OF SIMILAR SIZE AT THE MAY 21, 2008 BOARD OF COUNTY COMMISSIONERS MEETING.

STAFF FIND THAT THE FREESTANDING SIGN PROPOSED IN THIS APPLICATION PROVIDES SUFFICIENT SPACE TO ADVERTISE ALL THE CENTER'S LEASEABLE SPACE WITH THE PROPOSED 14 PANELS ON THE SIGN AND VIDEO UNIT AND BANNER ARE UNNECESSARY.

STAFF RECOMMENDS APPROVAL OF THE DESIGN REVIEW AND DENIAL OF THE WAIVERS OF DEVELOPMENT STANDARDS.
IF APPROVED TO THE CONDITIONS AS LISTED IN YOUR AGENDA, TOWN BOARD RECOMMENDED APPROVAL OF THE DESIGN REVIEW AND DENIAL OF THE WAIVERS.
>> GOOD MORNING.
>> MARK WHITEHOUSE REPRESENTING THE APPLICANT.
GIVEN THE RECENT AGENDAS AND OUR DISCUSSIONS BASED ON ANIMATED SIGNS, WE HAVE CHOSEN TO WITHDRAW THAT WAIVER.
WE ARE ALSO GOING TO WITHDRAW THE WAIVER ON THE BANNER.
THEREFORE WE ARE ONLY LEFT WITH A DESIGN REVIEW FOR THE SIGN PACKAGE.
WHICH WE CONCUR WITH STAFF'S RECOMMENDATION.
IT IS CODE COMPLIANT WITH THE C.M.A. STANDARDS AND TITLE 30.
IF YOU HAVE QUESTIONS, I'M READY TO FIELD THEM.
>> ANYONE HERE TO SPEAK?
THIS IS A PUBLIC HEARING.
SEEING NO ONE,LY TURN IT OVER TO COMMISSIONER BRAGER.
>> THANK YOU.
I APPRECIATE YOU WORKING OUT THE SITUATION AND MAKE MOTION WITH APPROVAL WITH STAFF'S RECOMMENDATIONS.
>> THERE IS THE MOTION FOR APPROVAL.
CAST YOUR VOTE.
MOTION CARRIES.
THANK YOU.
>> THANK YOU VERY MUCH.
>> NEXT ITEM IS 33, WS-0430-08.
HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS FOR THE FOLLOWING.
ELIMINATE CROSS ACCESS.
ALLOW EXCESS LOT COVERAGE AND ALLOW ALTERNATIVE DESIGN STANDARDS.
DESIGN REVIEW FOR AN OFFICE BUILDING ON 2.5 ACRES IN A C-2 ZONE IN THE C.M.A. DESIGN OVERLAY DISTRICT W.WAIVERS AND BACKGROUND AS DESCRIBED IN THE AGENDA, STAFF HAS RECEIVED REVISED PLANS ON THIS REQUEST AND CAN SUPPORT THIS REQUEST SUBJECT TO WITHDRAWING WAIVERS.
STAFF RECOMMENDS APPROVAL SUBJECT TO CONDITIONS AS LISTED IN THE AGENDA.
THE TOWN BOARD RECOMMENDED A HOLD TO REWRITE.
WE RECEIVED ONE CARD IN APPROVAL AND ONE CARD IN PROTEST.
>> GOOD MORNING.
>> MORNING.
C.W. GROUP.
WE MADE THE APPLICATION ON BEHALF OF THE OWNER.
WE HAD THREE WAIVERS ON DEVELOPMENT STANDARDS THAT WE HAVE REMOVED FROM THE PLAN IN FRONT OF YOU NOW.
WE'RE IN AGREEMENT WITH REMOVAL OF THE TREE.
WE HAVE NOW MET ALL CITY STANDARDS.
>> ALL RIGHT.
THIS IS A PUBLIC HEARING.
ANYONE HERE TO SPEAK?
SEEING NO ONE, I CLOSE THE PUBLIC HEARING.
THIS IS MY DISTRICT.
I WILL MAKE A MOTION FOR APPROVAL PER THE NEW PLANS.
>> WITHDRAW THE WAIVERS, COMMISSIONER?
>> RECOGNIZING WITHDRAWAL OF THE WAIVERS.
CAST YOUR VOTE ON THE MOTION.
MOTION CARRIES.
THANK YOU.
>> THANK YOU.
>> OUR NEXT ITEM IS 34 WS-0493-08.
WAIVERS OF DEVELOPMENT STANDARDS TO INCREASE THE HEIGHT OF A FREESTANDING SIGNS.

DESIGN REVIEW FOR A SIGN PACKAGE ON 8.5 ACRES IN A C-1 ZONE AND A C-2 AND C.M.A. DESIGN OVERLAY DISTRICTS. WITH WAIVERS.

ALTHOUGH THE DESIGN REVIEW IS CONSISTENT WITH THE OVERALL COMMERCIAL DESIGN, STAFF CANNOT SUPPORT THE WAIVER TO ALLOW TWO FREESTANDING SIGNS WITHIN THE C.M.A. DESIGN OVERLAY DISTRICTS.

IT WAS TO MINIMIZE CONCENTRATION ALONG PROMINENT RIGHTS OF WAY IN THE 215 BELTWAY. TO DATE NO APPLICATIONS HAVE BEEN APPROVED BY THE B.C.C. TO ALLOW FREESTANDING SIGNS. THERE ARE TWO SIGNS ON SUNSET ROAD AND FORT APACHE BUT THEY'RE NOT WITHIN THE C.M.A. THE PROPOSED FREESTANDING SIGNS CAN BE REDESIGNED TO MEET THE 20-FOOT HEIGHT REQUIREMENT AND STILL MAINTAIN THE SAME NUMBER OF TENANT PANELS AS SHOWN ON THE 28-FOOT HEIGHT SIGN. ALTHOUGH IN CLOSE PROXIMITY TO THE 215 BELTWAY WITH VACANT LAND OF 5.5 ACRES BETWEEN THE PROPOSED FUTURE DEVELOPMENT OF VACANT PROPERTY, MAY BE PROPOSED AND JUSTIFICATION CLOSE TO THE BELTWAY MAY NOT HOLD MERIT IN THE FUTURE.

IN ADDITION, THE SOUTHERLY PROPOSED SIGN WILL BE BLOCKED FROM THE DEPRESSED BY AN EXISTING COMPLEX ON FORT APACHE ROAD.

COMBINATION OF THE EXISTING BUILDINGS, DEPRESSION OF THE FREEWAY AND SIGNS BEING IN EXCESS OF 400 FEET FROM THE BELTWAY DO NOT SUPPORT THE APPLICANT'S JUSTIFICATION TO INCREASE SIGN HEIGHT TO 28 FEET.

THEREFORE STAFF RECOMMENDS APPROVAL OF THE DESIGN REVIEW AND DENIAL OF THE WAIVERS.

IF APPROVED SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA, TOWN BOARD RECOMMENDED APPROVAL OF THE DESIGN REVIEW AND DENIAL OF THE WAIVERS.

WE RECEIVED ONE CARD IN APPROVAL AND TWO CARDS IN PROTEST.

>> GOOD MORNING, MR. CHAIRMAN AND COMMISSIONERS.

HERE ON BEHALF OF THE APPLICANT.

OUR APPLICATION REQUESTS TWO 28-FOOT SIGNS.

AFTER HEARING COMMENTS OF THE TOWN BOARD, WE ARE LIMITING THIS REQUEST SOLELY TO THE NORTHERN SIGN, THE 28-FOOT REQUEST AS TO THE SOUTHERN SIGN WOULD BE ELIMINATED.

AND WITH DRAWN.

EFFECTIVE TODAY.

THE CODE LIMIT SIGNAGE TO 20 FEET IN THE C.M.A. UNLESS ADJACENT TO THE BELTWAY.

THE ONLY REASON THAT OUR NORTHERN SIGN IS NOT TECHNICALLY ADJACENT TO THE BELTWAY IS BECAUSE THE COUNTY STILL HAS SOME RIGHT-OF-WAY THAT EXISTS TO THE EAST.

AS HE IS POINTING OUT, THERE IS A RIGHT-OF-WAY.

THE SMALL PORTION THAT IS AFFECTED BY OUR NORTHERN SIGN IS APPROXIMATELY 15 FEET IN WIDTH.

SO YOU ARE TALKING ABOUT A VERY SMALL PIECE OF LAND THAT WOULD BE ADJACENT TO THE NORTHERN SIGN.

HOWEVER, ALSO AS A PRACTICAL MATTER, NOT ONLY IS THAT SMALL PORTION OF LAND MAKING THIS APPROPRIATE, WHEN YOU LOOK AT THE OTHER APPROVALS IN THIS AREA, YOU CAN SEE THAT SIGN HEIGHTS HAVE GONE EVERYWHERE FROM 25 FEET, 30 FEET, 35 FEET, 40 FEET.

EVEN UP TO 50 FEET ALL WITHIN THIS SAME GENERAL AREA.

NOW IT IS TRUE THAT MOST OF THE SIGNS WERE APPROVED PRIOR TO THE ADOPTION OF THE C.M.A. HOWEVER, ONE OF THOSE SIGNS, THE ONE CLOSEST TO US, WAS APPROVED AFTER THE ADOPTION OF THE C.M.A. AND IT IS ALSO WITHIN THE C.M.A.

STAFF WILL ACKNOWLEDGE THAT A MISTAKE WAS MADE.

WE APPRECIATE THAT BUT YOU STILL HAVE A 35-FOOT SIGN IN THE C.M.A. NEAR THIS PARTICULAR PROPERTY.

WE BELIEVE THAT NOT JUST THE FACT THAT THERE ARE OTHER SIGNS OF INCREASED HEIGHT IN THIS AREA MAKE IT APPROPRIATE BUT IN THIS PARTICULAR CASE WE'RE NOT TALKING ABOUT A SINGLE SIGN USER.

THIS IS NOT A CASE WHERE ONE PARTY WANTS TO PUT A SIGN 28 FEET HIGH.

WE'RE TALKING ABOUT APPROXIMATELY 24 TENANTS THAT SEEK TO ADVERTISE ON THIS SIGN.

THEREFORE WE THINK THE ADDITIONAL HEIGHT ESPECIALLY WHEN YOU CONSIDER THAT THIS IS ALSO A 10-ACRE PIECE OF PROPERTY.

AGAIN, ARE YOU NOT TALKING ABOUT A SMALL PIECE OF PROPERTY, A SINGLE USER.

THIS IS A LARGE GROSS 10-ACRE SITE.

WE ARE ASKING FOR ONE SIGN TO GO 28 FEET BECAUSE IT TECHNICALLY PRACTICALLY IS ADJACENT TO THE BELTWAY ALTHOUGH UNDER LEGAL DEFINITION IT MIGHT NOT BE.
I DO NOT HAVE TO TELL YOU IN THIS BUSINESS ENVIRONMENT SIGNAGE IS CRITICAL TO THE SUCCESS OF A CENTER SUCH AS THIS, A RETAIL CENTER.
THE REALITY IS IF YOU HAVE A LARGE RETAIL CENTER AND YOU CANNOT PROVIDE APPROPRIATE SIGNAGE, TENANTS WILL GO ELSEWHERE.
AND WHILE WITH A 28-FOOT SIGN WE CAN COMPETE WITH OTHER PROPERTIES IN THIS AREA THAT HAVE BEEN APPROVED AT 30 OR 35 OR 40 OR 50, WE CANNOT COMPETE FAIRLY IF WE HAVE TO HAVE A 20-FOOT SIGN WHERE OTHERS, REGARDLESS OF THE TIME THEY MAY HAVE BEEN APPROVED OR THE CIRCUMSTANCES UNDER WHICH APPROVED, ARE ALLOWED HEIGHTS OF UP TO 50 FEET.
SO WHAT WE'RE ASKING HERE IS NOT THAT YOU SET SOME KIND OF PRECEDENT THAT YOU WILL HAVE TO LIVE WITH DOWN THE ROAD.
FOR THIS REASON.
ONE, WE'RE ASKING FOR 28 FEET SO WE'RE NOT GOING ANY HIGHER THAN YOU WOULD ALLOW IF ADJACENT TO THE BELTWAY.
SECONDLY, WE'RE TECHNICALLY ADJACENT TO THE BELTWAY BUT FOR A VERY SMALL PIECE OF LAND.
THIRD, YOU ARE TALKING ABOUT A LARGE RETAIL USER, 10-ACRE SITE.
FOUR, ARE YOU NOT TALKING ABOUT A SINGLE USER.
YOU ARE TALKING ABOUT A MULTIPLE USER THAT REQUIRES APPROPRIATE SIGNAGE TO ADVERTISE.
SO IN LIGHT OF ALL OF THOSE CONSIDERATIONS, WE'D WITHDRAW THE SOUTHERN SIGN REQUEST AT 28 FEET AND WILL BUILD THAT AT 20.
BUT WE'D RESPECTFULLY ASK THAT YOU PLEASE ALLOW THE 28-FOOT SIGNAGE ON THE NORTHERN SIGN WHICH IS ESSENTIAL ADJACENT TO THAT BELTWAY.
THANK YOU.
>> THIS IS A PUBLIC HEARING.
ANYONE HERE TO SPEAK?
CLOSE THE PUBLIC HEARING.
COMMISSIONER BRAGER?
>> YOU ARE SO COMPELLING.
I WENT OVER THERE BECAUSE I REALLY WAS -- I'M USUALLY YES OR NO AND NOT WAIVERING MYSELF.
I LOOKED AT THAT AND IT IS REALLY NEAR THE FREEWAY.
I DON'T KNOW IF IT IS 15 FEET BUT IT WAS A MINIMAL PORTION OF LAND THAT IS COUNTY LAND.
DO WE HAVE AN IDEA WHAT WE'D DO FUTUREISTICALLY WITH THAT PARCEL BY THE FREEWAY?
>> NO, I DON'T, COMMISSIONER.
>> YOU DON'T?
YOU ARE NOT HELPING ME.
I'M LEANING TOWARDS I DON'T SEE IT AS SETTING A PRECEDENT AT BEING AT 28 FEET WITH 24 PEOPLE ON THE SIGN AND SO I THINK THE C.M.A. IS VERY IMPORTANT.
I LOVE HOW YOU DRIVE AROUND THE COMMUNITY AND THERE IS NOT SIGNS JUMPING UP ALL OVER THE PLACE.
I THINK THAT IS IMPORTANT.
I THINK WE'D BE ABLE TO ARGUE AT ANOTHER LOCATION NOT NEAR THE FREEWAY WITH THE COUNTY LAND SITTING THERE WHICH PROBABLY MY GUESS WILL BE NOTHING FOREVER -- I DON'T LIKE TO SAY THAT BUT I CAN'T IMAGINE WHAT IT WOULD BE AT THIS POINT IN TIME OR EVEN IN THE FUTURE EVEN LOOKING FROM A REAL ESTATE SENSE.
I THINK IN THIS PARTICULAR SITUATION I WOULD MAKE A MOTION FOR THE ONE SIGN.
THEY HAVE WITH DRAWN THE OTHER ONE WHICH I APPRECIATE.
I THINK THAT WAS TOO FAR AWAY FROM THE FREEWAY AND DID SET A PRECEDENT.
I BELIEVE THIS WOULD NOT.
I WOULD BE ABLE TO ARGUE THAT IN DISTRICT F IN RELATION TO NOT ONLY THAT CORRIDOR BUT ANY CORRIDORS AROUND THE 215 OR FREEWAYS.
MOTION FOR APPROVAL FOR THE ONE SIGN AT THE 28 FEET.
IT LOOKS LIKE IT GIVES VISIBILITY.
>> COMMISSIONER GIUNCHIGLIANI?
>> THANK YOU.
IT IS AN ODD PIECE OF LAND THAT WE HAVE GOT THERE.

I WILL THROW THIS OUT BECAUSE PERHAPS WE SHOULD HAVE R.P.M. LOOK AT -- I'M NOT A FAN OF BILLBOARDS.
WE COULD GENERATE REVENUE FOR THE COUNTY.
WE SHOULD PURSUE THAT.
MAKE SURE YOUR SIGN WOULD NOT CONFLICT IF WE DID SOMETHING.
I WOULD NOTE THAT IF WE PURSUE THAT.
>> COMMISSIONER GIUNCHIGLIANI.
WE PROHIBITED BILLBOARDS THERE AND YOU MISSED ALL THAT FUN.
LET ME TELL YOU A STORY.
I THINK IT WAS MY SECOND MEETING -- THIRD MEETING AS A COMMISSIONER AND WE HAD 38 BILLBOARD APPLICATIONS.
I WAS THE FOURTH VOTE AGAINST ALL 38.
THEN WE WENT THROUGH THIS PROCESS WHERE WE HAVE KIND OF DECIDED WHERE IN THE VALLEY BILLBOARDS SHOULD BE.
I DON'T WANT TO OPEN THAT UP AGAIN.
>> I WOULDN'T EITHER.
I DIDN'T REALIZE THAT WAS A PART OF THAT DEBATE.
I'M LOOKING FOR REVENUE FOR THE COUNTY.
THERE ARE PLACES WHERE I HAVE ALWAYS THOUGHT MDOT SHOULD HAVE CAPITALIZED MORE MONEY THAT WOULD HAVE EXISTED WITH STATE HIGHWAY FUNDS.
I DON'T WANT TO OPEN UP THAT ISSUE.
>> I'M DEFINITELY NOT LOOKING FOR BILLBOARDS.
THIS IS A BUSINESS SIGN SITTING WHERE THERE IS A NUMBER OF PEOPLE USING IT.
>> SHOULD WE HAVE THIS LOOKED AT AS SURPLUS PROPERTY AND PUT THAT.
>> I DON'T KNOW.
IT LOOKS LIKE IT WOULD BE A PIECE THAT THERE WAS LAND ACQUIRED FOR A RIGHT-OF-WAY AND IT IS A REMAINDER THAT THEY DIDN'T NEED.
IT IS ODD SHAPED.
I WILL SUPPORT COMMISSIONER BRAGER'S MOTION.
I WANT TO SAY I THINK -- I THINK YOU SAID IT.
I WANT TO REITERATE IT.
WE HAVE BEEN VERY PERSNICKETY ABOUT THE C.M.A. AND STANDARDS AND WE HAVE ADHERED TO THEM.
I THINK THIS IS A UNIQUE CIRCUMSTANCE.
WE ALL NEED TO HAVE A COLLECTIVE MEMORY.
WHEN SOMEBODY COMES BACK AND SAYS YOU APPROVED A 28-FOOT SIGN IN THE C.M.A., WE NEED TO REMEMBER WE DID IT BECAUSE THERE WAS COUNTY PROPERTY THAT WAS PROBABLY NOT AVAILABLE FOR OTHER USE BETWEEN IT AND THE BELTWAY AND THE REASON WE APPROVED IT IS BECAUSE THE C.M.A. ALLOWS 28-FOOT SIGNS NEXT TO THE BELTWAY.
WE'RE DETERMINING THIS IS NEXT TO THE BELTWAY.
>> I WOULD STAND FIRM ON THAT IF SOMEONE CAME IN AND WANTED TO BE A PRECEDENT.
I DO NOT THINK WE'RE SETTING IT WITH THE FREEWAY.
>> YOU HEARD THE MOTION.
CAST YOUR VOTE.
MOTION CARRIES.
>> THANK YOU ALL VERY MUCH.
>> OUR NEXT ITEM IS 35.
WS-0513-08 WAIVER OF DEVELOPMENT STANDARDS FOR CROSS ACCESS IN CONJUNCTION WITH AN APPROVED SHOPPING CENTER ON 4.4 ACRES IN A C-2 ZONE IN THE MUD-3 AND C.M.A. DESIGN OVERLAY DISTRICTS.
GENERALLY LOCATED ON THE NORTHWEST CORNER OF POST ROAD AND DURANGO DRIVE.
STAFF HAS RECEIVED ADDITIONAL INFORMATION FROM THE APPLICANT AND CAN SUPPORT THIS REQUEST TO DRAINAGE REQUIREMENTS AND RECOMMENDS APPROVAL.
IF APPROVED SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA, TOWN BOARD RECOMMENDED DENIAL.
>> YES.
GOOD MORNING, COMMISSIONERS.
HERE ON BEHALF OF THE APPLICANT, VENTURE DEVELOPMENT GROUP.

FIRST, I WANT TO THANK YOUR STAFF FOR ALLOWING US OPPORTUNITY TO MEET WITH THEM QUITE A FEW TIMES WITH RESPECT TO THIS PROPERTY.
AND ALLOWING US THE ABILITY TO CLARIFY AND PROVIDE THEM SOME ADDITIONAL INFORMATION TO HELP MAKE THEIR DECISION.
WE REALLY APPRECIATE THEIR REVISING THEIR STAFF REPORT.
AS YOU CAN SEE FROM THE AERIAL I HAVE PROVIDED, OUR SITE IS FIVE ACRES AS LOCATED ON THE NORTHWEST CORNER OF DURANGO AND POST.
IN ORDER TO REALLY UNDERSTAND A LITTLE MORE ABOUT THIS SITE, I THINK IT IS IMPORTANT FOR ME TO SPEND A BRIEF MINUTE OR SO TO GIVE ADDITIONAL BACKGROUND REGARDING THIS.
ORIGINALLY THIS SITE WAS PART OF A LARGER 70-ACRE APPROVED MIX USE PLAN CALLED THE MOSAIC PLAN.
UNFORTUNATELY THAT MOSAIC PLAN NEVER CAME TO FRUITION.
AS A RESULT, NUMEROUS PARCELS INCLUDING THIS SITE WAS SOLD OFF.
SUBSEQUENTLY, OUR CLIENT VENTURE DEVELOPMENT GROUP CAME IN AND PURCHASED THIS PARCEL, BROUGHT FORWARD A CONFORMING ZONE CHANGE AS WELL AS A DESIGN REVIEW FOR PHASE ONE OF THEIR PROJECT WHICH WAS APPROVED BY THIS BOARD.
DURING THAT PROCESS, DURING THE ZONE CHANGE AS WELL AS DESIGN REVIEW A DRAINAGE STUDY WAS CONDUCTED PER S.I.D. THAT WILL BE IN PLACE ALONG THE DURANGO CORRIDOR THERE.
THOSE FLOWS SHOWED THE NATURAL FLOWS GOING NORTH AND WEST OF OUR SITE.
DURING THE DRAINAGE STUDY WORKING WITH YOUR PUBLIC WORKS STAFF, IT WAS DETERMINED THAT THEY WANTED US TO ACTUALLY FOLLOW THE DRAINAGE STUDY SET UP BY THE MOSAIC PLAN.
PART OF THE PLAN REQUIRED A DRAINAGE EASEMENT TO GO ALONG THE NORTH PROPERTY LINE WHICH WAS 10-FOOT WIDE.
IN ORDER TO ACHIEVE THAT, WE HAD TO GO BACK -- THE COUNTY HAD TO GO BACK AND REVISE THE S.I.D. PLAN TO PUT A DRAIN STORM CATCH BASIN IN DURANGO TO NOW TAKE THE DIVERTED FLOWS THAT WERE NOW GOING TO HAVE SURFACE FLOW FROM OUR WESTERN NEIGHBORS THAT WILL FLOW THROUGH THE 10-FOOT-WIDE DRAINAGE EASEMENT THERE.
THERE IS ALSO ELEVATION DIFFERENTIAL.
WE'RE ON THE HIGH SIDE.
OUR NEIGHBOR TO THE NORTH IS ON THE LOW SIDE.
I DO HAVE A CROSS SECTION OF THE DRAINAGE CHANNEL THERE.
I THINK PART OF THE, AND MOST IMPORTANT PART, IS WHEN WE SAT DOWN WITH STAFF AND PROVIDED CLARIFICATION ON THE DRAINAGE CHANNEL THAT PER OUR DRAINAGE STUDY, RECENTLY APPROVED IN APRIL TO CONFORM WITH THE OLD MOSAIC PLAN, WE ARE REQUIRED TO PLACE THE RETAINING WALLS WHICH NOW MAKE IT ALMOST INFEASIBLE FOR US TO COMPLY WITH THE C.M.A. REQUIREMENT TO PROVIDE CROSS ACCESS TO OUR NORTHERN PROPERTY LINE.
AS A RESULT, WE RESPECTFULLY REQUEST THAT YOU FOLLOW STAFF'S REVISED APPROVAL AND IF YOU HAVE ANY QUESTIONS, I WOULD BE MORE THAN HAPPY TO ANSWER THEM.
>> THIS IS A PUBLIC HEARING.
ANYONE HERE TO SPEAK ON THIS?
COMMISSIONER BRAGER?
>> I WOULD MAKE A MOTION TO ACCEPT STAFF'S RECOMMENDATION.
>> YOU HEARD THE MOTION.
ARE THERE OTHER COMMENTS?
>> IF I COULD -- I APPRECIATE STAFF AND TONY THAT DID GO BACK.
YESTERDAY WE WERE CONCERNED THAT IT NEEDED TO BE AND THEY LOOKED AT THAT WITH WHAT THEY SAW WITH THE WALL AND IT MADE A BIG DIFFERENCE.
IT IS APPRECIATED.
>> THANK YOU.
>> CAST YOUR VOTE ON THE MOTION.
MOTION CARRIES.
WE ARE IN RECESS UNTIL OUR AFTERNOON AGENDA AT 1:00 P.M.
THANK YOU.
>> REID: I'LL CALL THE MEETING BACK TO ORDER.
>> THE FIRST ITEM IS APPROVAL OF THE AFTERNOON AGENDA.
WE HAVE THE FOLLOWING REQUESTS.
ITEM 37,

[READING ORDINANCE NUMBERS INTO THE RECORD]

HOLD UNTIL THE 7-16-80 BOARD OF COUNTY COMMISSIONER MEET PER THE APPLICANT.

ITEM 39,

[READING ORDINANCE NUMBERS INTO THE RECORD]

HOLD UNTIL THE 7-16-0 BOARD OF COUNTY COMMISSIONERS MEETING PER THE APPLICANT HOLD 48
HOLD, HOLD PER COMMISSIONER MAXFIELD.

ITEM 51,

[READING ORDINANCE NUMBERS INTO THE RECORD]

HOLD UNTIL 97-16-08 BOARD OF COUNTY COMMISSIONERS MEETING TO BE HEARD WITH ITEM 37-52.
AND ITEM 52,

[READING ORDINANCE NUMBERS INTO THE RECORD]

HOLD INSPECT 97-16 PER THE APPLICANT.

THE ABOVE HEARING ITEMS WILL BE OPENED AS A PUBLIC HEARING AND IMMEDIATELY RECESSED,
UNTIL THE DATES AS PREVIOUSLY STATED WITH THESE DELETIONS, AND IF THERE'S NO OBJECTION
FROM THE AUDIENCE THE AFTERNOON AGENDA IS READY FOR YOUR APPROVAL.

>> REID: THERE ANY DISCUSSION ON THE AGENDA?

ANYTHING FROM THE BOARD?

>> SUSAN: MOTION FOR APPROVAL, AS STATED.

>> REID: CAST YOUR VOTE.

>> REID: MOTION CARRIES.

>> ITEM 37 WAS HELD.

ITEM 38,

[READING ORDINANCE NUMBERS INTO THE RECORD]

WAIVER OF CONDITIONS OF A WAIVER OF DEVELOPMENT STANDARDS REQUIRING THE APPLICANT TO
PROVIDE AN APPROVED LETTER FROM.

PN 106-2001.

AND 502-003, ON FIVE ACRES IN THE C 2 ZONE IN THE MUD OVERLAY DISTRICT.

GENERALLY LOCATED BETWEEN WAGON TRAIL AVENUE AND MONT SORRY STREET AND THE 215 BELTWAY
WAS WITH THE BACKGROUND AS DESCRIBED IN YOUR AGENDA.

THE PROPERTY OWNER TO THE NORTH DOES NOT AGREE WITH THE FULLY DEDICATED ACCESS TO THE
FRONTAGE ROT AND FEELS THE PRIVATE ACCESS WOULD NEGATIVELY EFFECT THE CONTINUITY AND
CONNECT ACTIVITY OF THE ROADS AT THIS LOCATION AND NEGATIVELY IMPACT THE VALUE OF THE
PROPERTY.

THE DESIGN FOR THE MONTESORRI AND WAGON TRAIL, WILL BETWEEN WAGON TRAIL AND FRONTAGE
ROAD.

THAT DESIGN WILL REQUIRE THE DEDICATION OF THE KNUCKLE BY THE ADJACENT PROPERTY TO THE
NORTH, AS WELL AS THE IMPACT, ACCESS TO THOSE PARCELS TO THE NORTH.

THEY REQUIRE THE CONAND ENTER DEDICATION FROM THE PROPERTY OWNER TO THE NORTH AND CONSENT
HAS BEEN DECLINED AND STAFF CAN SUPPORT WAIVER AND RECOMMENDS DENIAL.

IF APPROVED SUBJECT TO THE CONDITIONS AS LISTED IN THE AGENDA.

TOWN BOARD DID NOT RECOMMEND DENIAL.

AND DID RECEIVE RUN CARD IN APPROVAL.

>> REID: GOOD AFTERNOON.

>> RON BANCO 2301 SUNSET ROAD.

81009.

FIRST I WANT TO CLARIFY REGARDING THE NEIGHBORING PROPERTIES.

WE GOT THE APPROVAL OF THE NEIGHBORS TO THE EAST OF OUR PROPERTY.

WE'RE REQUESTING A WAIVER OF THE APPROVAL TO THE NORTH OF OUR PROPERTY.

ALSO, WE ARE PROVIDING THE PROPERTY TO THE NORTH A PUBLIC ACCESS THROUGH THE PRIVATE
STREET TO THE FRONTAGE ROAD.

>> REID: THIS IS A PUBLIC HEARING.

IS THERE ANYONE ELSE HERE TO SPEAK ON THIS.

COMMISSIONER WOODBURY.

THIS IS YOUR DISTRICT?

>> WOODBURY: MR. CHAIRMAN, FIRST I'LL DISCLOSE, A MATTER OF PUBLIC RECORD THAT I RECENTLY
RECOMMENDED MR. SANSUNG FOR AN APPOINTMENT TO THE FAMILY PLANNING COMMISSION.

AND -- HAVE KNOWN HIM FOR SOME TIME.

I DON'T THINK OUR RELATIONSHIP AMOUNTS TO CONFLICT OF INTEREST.
>> NO, THERE'S NO CONFLICT OF INTEREST.
IT IS THE DEDICATION?
WE NEED SOMETHING FROM THE NEIGHBORS OTHER THAN APPROVAL?
IS THERE SOME PROPERTY INVOLVED?
>> IF ANY OF THE LOTS WOULD BE LAND LOCKED AS THE RESULT OF THE VACATION, WE WOULD NEED NOTARIZED, WRITTEN CONSENT FROM THAT OWNER BECAUSE OF POSSIBLE LEGAL ACTION AGAINST THE COUNTY?
>> THAT'S CORRECT.
>> THE NORTH PROPERTY OWNER IS THE COUNTY.
AND SO, WE HAVE PERMISSION FROM ALL OF THE PROPERTY OWNERS, EXCEPT FOR THE COUNTY. IT WAS SUPPORTED.
I SPOKE TO RANDY TAR.
HE WAS NOT SUPPORTING IT FOR ONE REASON.
HE WANTED TO MAKE SURE HE HAD PUBLIC ACCESS FROM THE FRONTAGE ROAD AND MR. WANDRA CONDITIONED US, AND HE WAS AWARE AND WE HAVE IT HERE.
AND RON HERE, THIS IS HIS PROJECT HE'S RUNNING.
IT IS RIGHT HERE.
WE ARE PROVIDING THE 15 FOOT.
THIS IS THE REQUIREMENT FROM CIVIL ENGINEERING.
>> I WONDER IF IT IS A LACK OF COMMUNICATION.
WE ARE PROVIDING PUBLIC ACCESS TO THE FRONTAGE ROAD.
>>.
>> WOODBURY: WE SHOULD TRAIL THIS MATTER AND SEE IF MR. TAR COULD COME TO THE MEETING.
>> THERE'S A SLIGHT CORRECTION.
THE EASEMENT SUPPOSED TO BE 30 FEET WIDE, TOTAL ON BOTH SIDES OF THE PROPERTY.
>> 15 ON OUR SIDE AND 15 TO THE NEIGHBORS TO THE EAST.
THE 15 HAS BEEN GIVEN TO THE COUNTY.
THEY'RE JUST REQUIRING THE 15 FROM THE NEIGHBORS TO THE EAST, WHICH WE HAVE ON THE RIGHT SIDE.
>> THIS PROCESS TO GET THIS HAS TAKEN US APPROXIMATELY FIVE MONTHS.
THE LAST HAS BEEN THREE MONTHS AND ALL DEPARTMENTS HAVE BEEN COOPERATIVE.
RANDY THOMPSON.
GENI.
THEY HAVE ALL BEEN GREAT TO WORK WITH.
IT HAS BEEN AN INTEREST CARRY COST LOSS THAT, IS ENORMOUS.
>> WOODBURY: I WOULD BE HAPPY TO HEAR FROM OTHER COMMISSIONERS.
IT SOUNDS LIKE A REASONABLE REQUEST, BUT WE DON'T WANT TO JEOPARDIZE SOME FUTURE INTEREST IN THE COUNTY MAY SELL IT TEND TO A PRIVATE PROPERTY OWNER.
MAKE SURE THE ACCESS WOULD BE FULLY WORKED OUT.
>> WE HAVE FINAL ACTION FROM THE BOARD HERE ON JANUARY 25TH.
WE WERE APPROVED FOR A 30 FOOT STREET.
WE ACTUALLY PROVIDE A 34-FOOT STREET.
WE HAD THE ADDITIONAL FOUR FEET.
WE THOUGHT THE STANDARD STREET THAT IS 37.
WE THREW IN THE EXTRA 4 FEET WITH.
REPROVIDING THE STREET.
WE ARE GOING TO CONDUCT IT AND MAINTAIN IT.
IT IS 34, INSTEAD OF 37.
WE WERE APPROVED FROM 30 FEET.
>> JUST FROM MY UNDERSTANDING.
HELP ME UNDERSTAND WHERE THE DITZ CONNECT HERE IS.
IF 30 FEET WAS THE REQUIREMENT.
IF THEY'VE GIVEN UP 15, AND THE COUNTY HAS I GUESS, DID THE COUNTY DEDICATE 15?
>> NO.
THIS STREET IS NOT ADJACENT TO THE PROPERTY LAND.
>> THE DISAGREEMENT IS ONLY BETWEEN MR. SAMSUNG AND THE PROPERTY TO THE EAST.

THE CONFLICT REALLY COMES INTO PLAY WITH PRIOR TO THE WAIVER THAT STATES THAT, ALL -- APPROVAL FROM ALL SURROUNDING PROPERTIES BE OBTAINED BEFORE EVEN THE VACATION COULD BE GO THROUGH.

AND BE FINALIZED.

SO, NOW YOU HAVE A CONFLICT WITH THE TWO CONDITIONS ON THE TWO APPLICATIONS.

>> MR. CHAIRMAN?

>>.

>> GIUNCHIGLIANI: THE ISSUE IS YOU'VE GOT A PRIOR APPROVAL, BUT PART OF THAT APPROVAL NOW, YOU'RE ASKING FOR A VACATION OF THAT STREET OR NO?

>> NO, WE WERE GIVEN THE VACATION.

WE WERE CONDITIONED TO PROVIDE A 30-FOOT STREET.

BUT WE WERE CONDITIONED TO GET OUR PROVIDE A LETTER FROM YOUR NEIGHBORS.

ONE OF THE NEIGHBORS IS THE COUNTY.

WE GOT A LETTER FROM ALL OF THE NEIGHBORS, EXCEPT THE COUNTY.

>> AND THAT DOESN'T ALLOW FOR THE 30 FOOT TO COME INTO PLAY?

NO, THEY'RE CIVIL ENGINEERING REQUIRE THE 30 FOOT.

READ PROPERTY -- .

>> GIUNCHIGLIANI: I'M UP AGAINST -- REAL PROPERTY WAS UNAWARE WHAT THEY NEEDED.

THEY WERE NOT SUPPORTED IT.

THEY WERE NOT SUPPORTING IT, BECAUSE THEY WANT PUBLIC ACCESS TO THE FRONTAGE ROAD, BECAUSE THEY SAW THE WORD PRIVATE.

CIVIL ENGINEERING HAD CONDITIONED US TO PROVIDE A 15 FOOT, SO WE PROVIDED THIS.

YOU CAN SEE IT IS A 15-FOOT PUBLIC ACCESS.

>> GIUNCHIGLIANI: YOU COMPLIED WITH THE CONDITION.

THE ONLY HANG-UP NOW IS THE COUNTY HAS NOT SIGNED OFF ON THEIR PORTION OF IT, BECAUSE THERE MAY HAVE BEEN A LACK OF COMMUNICATION BETWEEN MR. TAR AND CIVIL, THEN APPARENTLY.

>> REID: COUNSELOR HAS A QUESTION.

>> I'M CONFUSED THE WAIVER OF THE TWO PARCELS I'VE BEEN TOLD THOSE ARE PRIVATE PARCELED IF THEY HAVE CONTAINED CONSENT WHY IS HE SEEKING THIS WAIVER FOR TWO PRIVATE PARCELS? THAT'S THE CONFUSION I HAVE?

>> THE UNDERSTANDING IS YOU'RE CORRECT.

IT IS ACTUALLY NOT AFFECTED BY IT, BUT IT IS A NEIGHBORING PARCEL.

>> REID: WOULD IT BE HELPFUL IF WE TRAILED THIS AND HAD RANDY TAR HERE OR SOMEONE FROM HIS OFFICE.

IT SOUNDS LIKE I DON'T WANT TO PUT WORDS IN CIVIL ENGINEERING MOUTH.

IT SOUNDS LIKE THE ISSUE IS-- REAL PROPERTY, NOT YOURS, AM I MISSING SOMETHING?

>> EXACTLY, YEAH.

THE ISSUE IS REPORT PROPERTY.

THEY DIDN'T APPROVE OF THE EVACUATION OF MONTESORRI OR WAGON TRAIL.

>> REID: IF IT IS ALL RIGHT WITH COMMISSIONER WOODBURY.

WE WILL TRAIL THIS, UNTIL THE CALL OF THE CHAIR.

AND TRY TO GET RANDY TO COME IN HERE OR SOMEONE FROM HIS GROUP.

I WOULD ASK STAFF TO TRY TO FIND HIM.

AND.

>> IS THE ISSUE THE LITTLE -- .

>> COLLINS: IS IT WAGON TRAIL AND MONT SORRY OR ALL OVER?

THIS WHOLE PAGE IS WAIVERS AND VACATIONS AND NO CHANGE?

>> THIS IS, JUST TO GIVE YOU A LITTLE HISTORY.

THE ORIGINALLY, THIS IS WHAT WE -- WE WHEN ASKED TO PROVIDE, A 30-FOOT DRIVE AISLE.

AND -- THIS IS MR. WANDRA ASKED US TO PROVIDE THIS, WE CHANGED IT.

NOW WE HAVE PROVIDED A 34-FOOT, AS YOU CAN SEE, STREET.

THAT IS ONLY A RIGHT TURN.

WE HAVE GIVEN THEM PUBLIC ACCESS AND AN EASEMENT.

SO WE HAVE -- WE HAVE PROVIDE EVERYTHING THAT CIVIL ENGINEERING ASKED US TO.

I FELT THAT MAYBE, REAL PROPERTY WAS UNAWARE OF THIS, AND SO THEY WERE NOT SUPPORTING IT.

>> REID: LET'S FIND OUT.

AM I INTERRUPTING YOU COMMISSIONER COLLINS.

>> COLLINS: YOU'RE TALKING ABOUT BETWEEN MARTIN AND WAGON TRAIL?
BECAUSE THEY'RE -- YOU HAVE 5 ACRES.
YOU'RE NOT TAKING AWAY ANY PUBLIC STREET, EXCEPT ON YOUR OWN PROPERTY.
>> THAT'S CORRECT.
>> COLLINS: YOU HAVE YOUR OWN FIRE DEPARTMENT BECAUSE OUR TRUCK CAN'T GET--
>> WE HAVE APPROVAL.
>> COLLINS: IT DOESN'T MATTER.
I'M TRAILING IT.
>> REID: WE ASK YOU TO STEP ASIDE FOR A MOMENT.
WE WILL GET THEM IN HERE.
IF THEY DON'T OBJECT, I THINK EVERYONE FEELS BETTER.
>> JUST UTILITIES, DRAINAGE, AND THE FIRE DEPARTMENT ALL APPROVED THE 30-FOOD STREET.
WE JUST WIDENED IT TO -- 30 FOOT STREET.
WE JUST WIDEN IT HAD TO 34.
>> REID: LET'S GET TO THE NEXT ITEM.
>> ITEMS 39 AND 40 HAVE BEEN HELD.
ITEM 41,
[READING ORDINANCE NUMBERS INTO THE RECORD]
HOLD OVER USE PERMITS REDUCE THE SEPARATION FROM A CONVENIENCE STORE TO RESIDENTIAL USE.
REDUCE THE SEPARATION FROM AN AUTOMOBILE MAINTENANCE USED TO A RESIDENTIAL USE AND THE
DESIGN REVIEW FOR SHOPPING CENTER, INCLUDING A CONVENIENCE STORE WITH GASOLINE SALES AND
AUTOMOBILE MAINTENANCE FACILITY IN THE C 2 ZONE IN THE MUD OVERLAY DISTRICT.
GENERALLY LOCATED ON THE SOUTHEAST CORNER OF DURANGO DRIVE AND BLUE DIAMOND ROAD WITH THE
USE PERMITS AND BACKGROUND AS DESCRIBED IN THE AGENDA.
SHOPPING CENTER PLANS HAVE BEEN SUBSTANTIALLY CHANGED FROM THE PREVIOUS LAND USE
APPROVALS ALTHOUGH THE CONVENIENCE STORE SEPARATION, FROM THE RESIDENTIAL USE, HAS BEEN
REDUCED FROM THE PREVIOUS APPROVAL.
STAFF LEAVES THE LANDSCAPE BUFFER WITH 36 INCH BOX TREES AND 8 FOOT WALL WILL MITT GATE
NEGATIVE IMPACTS AND STAFF CAN SUPPORT REDUCE SEPARATION FOR AN AUTOMOBILE TO RESIDENTIAL
USE, SINCE THE LOCATION IS GENERALLY THE SAME AS PREVIOUSLY APPROVED PLANS.
INTENSE LANDSCAPE BUFFER AND 8 FOOT HIGH WALL, WITH THE LIMITED HOURS OF OPERATION, FROM
7:00 TO 6:00, THAT WERE APPROVED WITH THE PREVIOUS LAND USE APPLICATION FOR THE
AUTOMOBILE MAINTENANCE BUSINESS WILL HELP REDUCE POSSIBLE NEGATIVE IMPACTS FROM SOUND
GENERATED FROM THIS USE.
THEREFORE STAFF RECOMMENDS APPROVAL AND ENTER PRICE TOWN BOARD RECOMMENDED PROVE.
AND WE RECEIVED ONE CARD IN APPROVAL AND FOUR CARDS IN PROTEST IT WAS APPROVED BY THE
PLANNING COMMISSION, SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA.
THIS ITEM HAS BEEN APPEALED STATING NONCOMPLIANCE WITH THE CONDITION ON THE ORIGINAL ZONE
CHANGE.
>> IT IS NICE TO SEE YOU TWO TOGETHER.
>> GOOD AFTERNOON.
LIES SURRO.
3800 HOWARD HUGHES PARKWAY HERE ON BEHALF OF FOCUS MOUNTAIN EDGE.
THE MASTER DEVELOPER OF MOUNTAIN EDGE.
WITHOUT GOING INTO TOO MUCH DETAIL, YOU'RE ALL AWARE OF FOCUSES INTEREST IN THE OUT
PARCELS, AS WELL AS THE PARCELS THAT ARE ACTUALLY A PART OF MOUNTAIN'S EDGE.
SO THAT'S WHY WE'RE HERE.
WE APPEALED THIS APPLICATION ON A COUPLE OF BASIS.
I'M CONFIDENT TO SAY WE HAVE BEEN ABLE TO REACH AGREEMENT ON ALL OF THE ISSUES THAT WE
HAD.
I'LL JUST GO THROUGH THEM QUICKLY.
AND THEN ASK FOR MR. WADE TO CONFIRM WHAT OUR AGREEMENT IS.
WITH RESPECT TO THE ARCHITECTURE AND COLORS THAT WILL BE PART OF THIS COMMERCIAL CENTER.
THE MOUNTAIN EDGE DESIGN REVIEW COMMITTEE HAS LOOKED AT THE PLANS THAT HAVE BEEN
SUBMITTED TO THE COUNTY AND MY CLIENT HAS ISSUED A APPROVAL LETTER TO THE APPLICANT,
APPROVING THE ARCHITECTURE AND THE COLORS.
SO, I THINK THAT RESOLVES THAT PARTICULAR ISSUE.

THE SECOND ISSUE, WITH RESPECT TO THE LANDSCAPING ON THE PARTICULAR PARCEL.
AND THE APPLICANT HAS AGREED, THEY WILL INSTALL PALM TREES OR PINE TREES AS PART OF THE
LANDSCAPING FOR THIS COMMERCIAL CENTER, WITH THE EXCEPTION OF THE PINE TREES ON THE
EASTERN AND SOUTHERN LANDSCAPE STRIP THAT, WERE APPROVED WITH THE ORIGINAL APPROVALS,
WHICH, I BELIEVE WERE IN NOVEMBER OF 2006 IF MY MEMORY HASN'T FAILED ME.
THE PINE TREES SHOWN ON THE CURRENT EASTERN AND SOUTHERN BORDER STATE.
THE REST OF THE LANDSCAPING THAT'S SHOWN ON THE CURRENT PLANS WILL BE REVISED TO REFLECT
DROUGHT TOLERANT MATERIALS, WHICH IS SOMETHING THAT MOUNTAIN EDGE HAS PROMOTED.
AND HAS PRIDED ITSELF IN WATER CONSERVATION AREAS.
AND THEN FINALLY, WITH RESPECT TO THE OFF SITE IMPROVEMENTS FOR BLUE DIAMOND, FOCUS HAS
BEEN WORKING WITH THE APPLICANT, AS WELL AS WITH THE COUNTY AND END DOT TO COORDINATE ALL
OF OUR EFFORTS REGARDING OFF SIGHT IMPROVEMENTS FOR BLUE DIAMOND AND TO ESSENTIALLY LIMIT
THE NUMBER OF PERMITS AND CONTRACTORS, TO MAKE SURE IT IS A COORDINATED EFFORT.
I BELIEVE WE HAVE REACHED AN AGREEMENT WITH THE APPLICANT ABOUT WHAT THEIR
RESPONSIBILITIES WILL BE AND WHAT -- MY CLIENT'S RESPONSIBILITIES ARE GOING TO BE.
WITH THAT, I THINK WE ARE RESOLVED ALL OF OUR ISSUES.
I DON'T THINK ANYTHING FURTHER IS NECESSARY.
>> FRED WADE 10080 ALTA DRIVE.
>> I AGREE WITH LISA SHE HAS ADEQUATELY AND REPRESENTED OUR AGREEMENTS AND WE APPRECIATE
THE SUPPORT.
>> REID: THIS IS A PUBLIC HEARING.
IS THERE ANYONE ELSE HERE TO SPEAK?
I'LL CLOSE THE PUBLIC HEARING.
COMMISSIONER BRAGER?
>> BRAGER: I APPRECIATE THAT THE TWO OF YOU WERE ABLE TO GET TO THIS POINT.
FOR MR. WADE AND THE DEVELOP AROUND THE CORNER I THINK IT IS NICE YOU HAVE AGREED TO
FOLLOW THE SCHEMES OF MOUNTAIN EDGE.
TECHNICALLY YOU'RE OUTSIDE OF THAT.
BUT I THINK BEING A GOOD NEIGHBOR, I THINK YOU WENT ABOVE AND BEYOND.
I THINK IT IS NICE AND WE'RE NOT HOLDING THIS ITEM SO, WE CAN MOVE THROUGH IT.
I WOULD MAKE A MOTION FOR APPROVAL AS STATED.
-- DID YOU NEED ANYTHING--
>> IS IT APPROVAL PER STAFF?
>> BRAGER: YES, THEY'RE MEETING AND THEIR AGREEMENT BETWEEN EACH OTHER TO STAND AS
STATED, ALONG WITH OUR.
>> NOT AS A CONDITIONS?
>>.
>> BRAGER: NO.
>> JUST AN AGREEMENT.
>> BRAGER: MAKE SURE IT IS THERE'S THOUGH.
IT IS UNDERSTOOD.
>> THANK YOU VERY MUCH.
>> REID: YOU'VE HEARD THE MOTION.
CAST YOUR VOTE.
MOTION CARRIES.
LET'S RETURN TO THE PREVIOUS ITEM.
I SAW MR. TAR WAS HERE.
ARE THEY TALKING ABOUT IT?
>> ITEM 42,
[READING ORDINANCE NUMBERS INTO THE RECORD]
APPEAL USE PERMIT FOR A COMMUNICATION TOWER.
A DESIGN REVIEW FOR MONT POLL COMMUNICATION TOWER AND ASSOCIATED EQUIPMENT ON 1.8 MAKERS
IN THE H2 END ZONE ON U.S.
HIGHWAY 951100 FEET NORTH OF PALM GARDENS DRIVE WITH THE BACKGROUND AS DESCRIBED IN YOUR
AGENDA.
THE PROPOSED LOCATION WILL ENHANCE WIRELESS COMMUNICATION NETWORK SERVICE, TO THOSE
LIVING AND TRAVELING IN THE AREA.

THE PROJECT WILL COMPLY WITH ALL TITLE 30 DESIGN STANDARDS FOR COMMUNICATION TOWERS. THE NEAREST EXISTING RESIDENTIAL DEVELOPMENT IS 500 FEET TO THE SOUTHWEST. THE PROPOSED RESIDENTIAL SUBDIVISION TO THE WEST IS 350 FEET FROM THE PROPOSED TOWER. THEREFORE STAFF RECOMMENDS APPROVAL.

THE PLANNING COMMISSION APPROVED AT THE JUNE 3RD MEET SUBJECT TO THE CONDITIONS LISTED IN THE AGENDA AND THE ITEM HAS BEEN APPEALED, SINCE THE TOWER WILL OBSTRUCT VIEWS ON THE NEW HOMES TO BE BUILT.

>> REID: ARE YOU THE APPLICANT?

>> YES, SIR.

>> KEVIN HAZE, ARIZONA NEVADA TOWER.

1600 SUNSET ROAD.

WE'RE HERE TO ANSWER ANY QUESTIONS.

WE DISAGREE AND WORKED WITH THE STAFF TO LAY THIS TOWER OUT.

AS INDICATED IN THE APPEAL, BY MR. CIRCA, THE TOWER WAS ONCE BEFORE APPLIED FOR SIGNIFICANTLY TALLER STRUCTURE.

THE PROPOSED STRUCTURE IS LESS THAN HALF OF THE HEIGHT OF THE STRUCTURE.

IT IS A SIGNIFICANT SETBACK.

AND IT MEETS THE CODE.

>> REID: ALL RIGHT.

COMMISSIONER -- LET ME SAY FIRST.

THIS IS A PUBLIC HEARING.

IF THERE'S ANYONE ELSE HEAR TO SPEAK, THIS IS YOUR OPPORTUNITY.

>> GOOD AFTERNOON.

MY NAME IS MICHAEL SECONDA.

1937 CASA VISTA DRIVE.

LAS VEGAS NEVADA 89146.

I'VE BEEN BEFORE THE GEARED BOARD A COUPLE OF OTHER TIMES WITH SOME OF THE OTHER NEIGHBORS.

TWICE BEFORE THIS THING WAS TURNED DOWN.

I SEE NOTHING DIFFERENT THAN IN THE PREVIOUS -- NONAPPROVALS.

WE STILL HAVE A WATER PROBLEM.

WE STILL HAVE AN ELECTRIC PROBLEM THERE.

AS SOON AS THINGS GET BETTER IN THE CITY, WE WILL BE DOING SOME -- INDUSTRY, WE WILL BE DOING SOME BUILDING THERE, AND THEREFORE, AS USUAL.

I DON'T FEEL IT IS RIGHT.

I DON'T SEE THIS TOWER BEING A RECORD, IN FRONT OF ALL OF THESE NEW HOMES GOING UP THERE EVENTUALLY.

ACTUALLY -- THAT'S ALL I HAVE TO SAY.

>> REID: THANK YOU.

THIS IS A PUBLIC HEARING.

ANYONE ELSE HERE TO SPEAK?

SIR AS THE APPLICANT YOU HAVE AN OPPORTUNITY TO RESPOND, IF YOU WOULD LIKE?

>> THANK YOU.

THE SITE DOESN'T REQUIRE WATER.

IT IS A COMMUNICATION FACILITY.

THE POWER ISSUE CAN BE ADDRESSED.

THROUGH NEVADA POWER WE HAVE TOUCHED BASE WITH THEM ON.

THAT THERE ARE SOME CONCERNS.

THE QUESTION THAT I HAVE IS THAT -- WITH REGARD TO THE OBSTRUCTION OF VIEW.

I BELIEVE IT IS SETBACK ADDRESSES THAT.

AND MR. SICKA OWNS THE PROPERTY TWO PARCELS SOUTH OF THIS THAT HAS TWO LARGE V SHAPE BILLBOARDS ON, IT THAT CREATE QUITE A BIT OF A VISUAL OBSTRUCTION FROM THE EXISTING HOMES.

HE'S REFERRING TO A PROPOSED RESIDENTIAL DEVELOPMENT TO THE EAST, THAT IS MORE THAN 350 FEET AWAY.

SO AGAIN THE VISUAL OBSTRUCTION ISSUE, I THINK WE HAVE ADDRESSED THAT.

AS I STATED BEFORE, WE DID REDUCE THE HEIGHT OF THE STRUCTURE BY MORE THAN 50%.

>> REID: COMMISSIONER WOODBURY.
THIS IS YOUR DISTRICT.

>> WOODBURY: MR. CHAIRMAN, THE OTHER AREA HAS HAD A HISTORY OF THESE APPLICATIONS.
I THINK WE HAVE TURNED THEM DOWN A COUPLE OF TIMES.
IS THIS THE SAME PROPERTY, EXACTLY AS THE ONE BEFORE?

>> THIS PROPERTY WAS APPLIED FOR, I BELIEVE THREE YEARS AGO ON A OF SINGULAR WIRELESS.
IT WAS TURNED DOWN AS 70 FOOT SELF-SUPPORT TOWER, THAT REQUIRED SOME FCC OBSTRUCTION
LIGHTING AND PAINTING AND OTHERS ISSUES THAT COULDN'T BE MITT GATED.
TIMES ARE CHANGING IN THE WIRELESS ENERGY.
THE DIGITAL CONVERSION WILL REQUIRE THE USE OF THE STRUCTURES CLOSER TO THE HIGHWAYS OF
3.5 TO 4% GROWTH IN 2006 MORE THAN 875 CARS ON THE HIGHWAY.
AS FAR AS THE VIEW -- WE'RE SHARING THE VIEW THEN WITH ABOUT SIX CARS PER SECOND.
-- SIX CARS EVERY 10 SECONDS.
BUT WITH THE GROWTH LIKE THAT, THE COVERAGE INTO THE TURNOFF TO THE LAUGHLIN HIGHWAY, IT
IS MUCH-NEEDED.

>> WOODBURY: WHERE ARE THE CLOSEST TOWERS?

>> THE CLOSEST TOWER TO THE -- THE TWO LOOSEST TOWERS TO THIS STRUCTURE.
ONE IN CALVARY SEVERAL MILES AND A STRUCTURE IN CHRISTMAS TREE PASS, SLOWLY BECOMING
OBSOLETE, DUE TO TECHNOLOGY AND -- .

>> WOODBURY: THIS AREA IS KIND OF A GAP BETWEEN?

>> INDEED.

>> I DRIVE THERE EVERY NOW AND THEN, OF COURSE GOING TO LAUGHLIN AND BACK.
I CAN'T SAY I TURN TURNED ON MY CELL PHONE TO USE IT IN THAT SPOT.
IS IT A DEAD SPOT OR FOR FUTURE PLANNING?

>> THIS IS A CAPACITY SPOT.
ALSO FOR FUTURE PLANNING WEST.
HAVE DIGITAL CONVERSION COMING IN 2009.
TRADITIONAL AN LOG SYSTEMS WILL NOT TRANSMIT AS FAR.
AND DIGITAL WILL SOLVE THAT PROBLEM.
AND SPECIFICALLY WE HAVE INTEREST FROM VERIZON TO UTILIZE THE SITE, SONGS WE CAN GET IT
ZONED AND BUILT AT THE 80-FOOT HEIGHT.

>> WOODBURY: WHEN WE HAD THESE HEARINGS BEFORE, WE HAD A DOZEN OR MORE RESIDENTS OF PALM
GARDENS SHOW UP.
YOU ARE YOU IN COMMUNICATION WITH THEM?

>> I BELIEVE PLANNING GOT SIX OPPOSITIONS TO THIS.
IN PALM GARDENS THE POPULATION IS A LITTLE OLDER.
WE HAVE MANY LOTS THAT ARE SOLD, BUT PEOPLE ARE NOT BUILDING, BECAUSE OF THE ECONOMY, BUT
THEY'RE READY TO GO, AS SOON AS THINGS STRAIGHTEN OUT.
AS FAR AS TRAFFIC, I WOULDN'T BE TOO CONCERN BESIDE TRAFFIC TODAY.
MAYBE WHEN THESE CRISES ARE OVER IN THE MIDDLE EAST AND WHAT HAVE YOU AND GAS THE WAY WE
SHOULD BE GETTING IT THAT'S FINE.
AS FAR AS THE TWO BILLBOARDS OUT THERE.
THEY'RE ON A MONTH TO MONTH BASIS.
WHENEVER ANYTHING IS READY TO GO, WE CAN SAY TO THE BILLBOARD COMPANY, HEY GUYS.
WE'RE GOING TO BUILD HERE.
BUT RIGHT NOW, I DON'T THINK EVEN WITH THIS DIGITAL COMING IN, THAT IT IS RIGHT TO COME
IN AND PUT IN THIS TOWER.
I FEEL A LOT OF THIS STUFF WILL BE DONE VIA SATELLITE.
WHY PUT UP ANOTHER TOWER, WHEN IT IS NOT REALLY NEEDED?

>> WOODBURY: IS IT ANY TOWER OR THE HEIGHT.

IT IS REDUCED HALF OF ONE BEFORE.

>> THE ORIGINALLY PROPOSED IS 170 FEET.
IT IS 90 FEET SHORTER.

>> NO, ORIGINALLY LAST TIME WE WERE HERE, IT WAS ALSO 90 FEET.
THE HEIGHT HAS NOT CHANGED ONE IOTA.

>> I HAVE OWNED THE PROPERTY FOR THE ENTIRE TIME THE ONLY OTHER APPLICATION WAS FOR 170
FEET FOR CINGULAR WIRELESS IN 2004.

>> WOODBURY: LET ME SEE IF OTHER COMMISSIONERS HAVE QUESTIONS OR COMMENTS.
>> REID: OTHER QUESTIONS OR COMMENTS?
COMMISSIONER GIUNCHIGLIANI.
>> GIUNCHIGLIANI: FOR FUTURE, WHEN WE HAVE CELL TOWERS.
IF WE CAN INCLUDED WHERE THE PROXIMITY OF OTHERS, BECAUSE IT HELPS VISUALIZE.
I KNOW BY FCC WE HAVE TO SITE THE INITIAL.
SOMETIMES THERE'S AN CONGLOMERATION.
IT WOULD BE GOOD VISUALLY SHANE OR SOMEONE, WHEN WE DO THOSE TYPES OF THINGS.
>> I DON'T KNOW IF YOU MADE THE CASE THAT YOU NEED THE SERVICE.
>> I HAVEN'T BEEN OUT THERE IN A WHILE.
>> THE VERIZON WIRELESS STRONGLY SUPPORT THE STRUCTURE.
THEY'RE READY TO PLAY IT TO HELP SERVICE THEIR EXISTING SITE, I BELIEVE EIGHT MILES TO
THE NORTH.
>> AGAIN, 2006 NUMBERS WERE 850 NUMBERS.
10-YEAR TRAILING NUMBER.
3.65% PER YEAR.
THAT MEANS IN 2010, WE'RE LOOKING AT MORE THAN 10,000 CARS A DAY ON THAT ROAD.
>> GIUNCHIGLIANI: WHAT FINANCING PACKAGE DO YOU GET WHEN YOU ALLOW A CELL TOWER ON YOUR
PROPERTY, FOR EXAMPLE?
>> WE GET A MONTHLY RENT.
>> GIUNCHIGLIANI: SIMILAR TO A BILLBOARD THING?
THEY DO AN ALLEGATION.
WE WILL BUILD THIS STRUCTURE.
AND THE CARRIER WILL PAY.
FOR A MONTHLY RENTAL.
>> GIUNCHIGLIANI: WHY ARE YOU USED BARBED WIRE?
>> FOR SAFETY ISSUES.
I THINK DURING DEVELOPMENT OF THE PROPERTY IN THE FUTURE, WHEN THAT TIMES COMES AS MR.
SICKA INDICATED WHEN ECONOMIC TIMES ALLOWS FOR IT WILL CHANGE THE FENCE STRUCTURE TO
PROBABLY A DECORATIVE BLOCK WALL AT SOME POINT IN THE FUTURE.
CURRENTLY I WOULD SAY THAT IS PROBABLY PART OF SOME LARGER COMMERCIAL DEVELOPMENT.
>> GIUNCHIGLIANI: ROB, COULD I ASK YOU.
ON CEL TOWERS OR LIKE MOBILE OR BILLBOARDS, DO WE HAVE A REQUIREMENT IF IT GETS GRAFFITI
THEY MUST BE RESPONSIBLE TO CLEAN IT UP WITHIN A CERTAIN PERIOD OF TIME.
IF THEY DON'T, THEY COULD LOSE THEIR PERMITS.
>> I DON'T KNOW IF IT WOULD GO SO FAR THAT THEY COULD LOSE THEIR PERMIT.
GEN COULD WE TAKE A LOOK AT.
THAT I THINK I READ THAT THE CITY STARTED TO DO THAT.
I THINK THEY LOSE THEIR PERMIT, THAT'S FOR FUTURE REFERENCE.
THAT MIGHT BE SOMETHING.
THERE'S SOME IN NEIGHBORHOODS, WHERE THEY SIT FOR MONTHS.
AND WE HAVE TO SPEND TAXPAYER MONEY TO CLEAN UP.
>> WE COULD LOOK INTO.
THAT.
>>.
>> GIUNCHIGLIANI: THANK YOU.
>> REID: OTHER COMMENTS OR QUESTIONS?
>> MOTION?
>> WOODBURY: MR. CHAIRMAN I'M INCLINED TO MAKE A MOTION FOR DENIAL WITHOUT PREJUDICE.
TO GET US INTO A TIME FRAME, MAYBE NEXT YEAR, WHEN -- WE GET PAST THIS ECONOMIC DOWN
TURN.
WE CAN SEE A LITTLE MORE DEFINITE WHAT THE PLANS WILL BE ON THE NEIGHBORING PROPERTY.
WHAT THE TRAFFIC COUNTS ARE.
AND SO THAT -- WITHOUT PLEDGE YOU CAN REAPPLY.
BUT I THINK YOU SHOULD WORK WITH THESE FOLKS AND COME BACK AT ANOTHER TIME.
THAT'S MY FEELING.

>> BRAGER: IF ANYTHING ELSE COMES IN THAT CLOSE PROXIMITY, I BELIEVE THIS GENTLEMAN WOULD HAVE THE FIRST OPPORTUNITY TO DO SOMETHING, VERSUS SOMETHING ELSE.
IF WE COULD BE MADE AWARE I COULD SUPPORT THE COMMISSIONER.
I WOULDN'T WANT SOMETHING TO SLIP BY BECAUSE IT SEEMED IMPORTANT AND IT IS IN SOMEONE ELSE'S AREA.
THAT WOULDN'T SEEM RYE TO ME.
-- RIGHT TO ME.
THE PROPERTY OWNER WOULD GET NOTIFICATION.
>> BRAGER: HOPEFULLY WE COULD SAY CONSCIOUSNESS IF IT IS WITHIN A 3-5 MILE RADIUS.
>> REID: COMMISSIONER COLLINS.
>> COLLINS: IF YOU APPROVED IT BUT WOULDN'T ALLOW CONSTRUCTION TO START FOR TWO YEARS. THEN THE NEED MIGHT COME UP.
THAT WOULD BE ONE IDEA.
THE OTHER, WHAT IS THE LOSS FOOTAGE OR WHATEVER FROM GOING FROM ANALOG TO DIGITAL? WHAT IS THE LOSS OF CAPACITY OR DISTANCE?
>> CURRENTLY THE -- A WE HAVE A LOT OF THESE STRUCTURES THAT ARE BUILT ON 195 FOOT TOWERS.
THOSE TOWERS HAVE ABOUT A 30 MILE MAXIMUM BEFORE THE HAND SET WON'T COMMUNICATE.
AN ANALOG WILL TRAVEL PROBABLY TWICE THAT DISTANCE.
A TOWER 80 FEET TALL W WILL HOPEFULLY HAVE SOME -- HANDSHAKE WITH THE SITE IN CALNAVARI. PROVIDING COVERAGE WHERE THERE IS NO COVERAGE INTO THE CANYON TO LAUGHLIN.
I WOULD SAY THE MAXIMUM DISTANCE IN A RURAL LOCATION, SUCH AS THIS, PROBABLY ABOUT 3-4 MILES, BEFORE -- THEN IT BECOMES A HAND SET ISSUE.
>> COLLINS: I WAS GOING TO GUESS FOUR TO FOUR AND A HALF WHICH MAKES IT SHORT.
>> IT IS PERFECTLY SIGHTED TO MAKE THE NEED.
>> COLLINS: MAYBE YOU CAN BASE IT ON WHEN CONVERSION TAKES PLACE, NOT ALLOW CONSTRUCTION TO TAKE PLACE WHEN THERE IS THE OUTAGES AND THERE WON'T BE AS MUCH COMPLAINING.
>> IN CLARK COUNTY MOST HAVE SHUTDOWN THE ANALOG NETWORK.
THAT IS NOT THE SAME CASE OUTSIDE OF CLARK COUNTY AND NEIGHBORING COUNTIES.
>> COLLINS: COMMISSIONER CONSIDER THAT IN HIS MOTION, I DON'T KNOW.
>> WOODBURY: I'M SORRY.
>> COLLINS: DENY IT FOR TWO YEARS, BUT LET IT BE BUILT IN TWO YEARS FROM NOW.
>>.
>> WOODBURY: INSTEAD OF DENIAL, WE JUST HOLD THE MATTER FOR A FEW MONTHS.
SEE WHAT THE CONDITIONS ARE, AND BRING YOU BACK HERE AND TALK ABOUT IT THEN.
GIVE YOU A DATE CERTAIN.
>> WE CAN ACCEPT THAT.
IF IT IS AFTER THE END OF THE YEAR, I MAY NOT BE HERE.
SOMETIME IN DECEMBER.
LET'S SAY.
>> GIUNCHIGLIANI: WITH COMMISSIONER BRAGER CONCEPT, IF SOMETHING ELSE DOES COME IN THE MEANTIME THIS WOULD TRIGGER BEFOREHAND.
>> THE DATES ARE THE 23RD AND THE 17TH.
>> THE FIRST MEETING IN DECEMBER.
>> REID: THE MOTION TO HOLD THIS UNTIL DECEMBER 3.
>> WOODBURY: MAYBE WE COULD ASK THE STAFF NOT TO ACCEPT APPLICATIONS ON ANY OTHER COMPETING CEL TOWERS IN THE PALM GARDEN AREA, UNTIL THEN.
>> REID: YOU'VE HEAR THE MOTION.
CAST YOUR VOTE.
>> REID: MOTION CARRIES.
>> REID: IF THERE ARE PEOPLE IN THE BACK ROOM TALKING ABOUT THE ITEM WE TRAILED.
WE WILL KEEP TRAILING UNTIL YOU POKE YOUR HEAD IN HERE.
>> ITEM 43,
[READING ORDINANCE NUMBERS INTO THE RECORD]
APPEAL VACANT AND ABANDON EASEMENT TO CLARK COUNTY LOCATED BETWEEN JOWELL STREET AND HAVEN BETWEEN WIND MILL AND SHELL BORN IN THE MUD OVERLAY DISTRICT.
WITH THE BACKGROUND AS DESCRIBED IN YOUR AGENDA.

STAFF HAS NO OBJECTION TO THE EVACUATION OF THE PATENT EASEMENTS, NOT NEEDED FOR ROADWAY PURPOSES.

A DRAINAGE STUDY WILL BE REQUIRED AT THIS STATE SITE IN LOU OF CONSTRUCTING THAT IS PREVIOUSLY REQUIRED STAFF RECOMMENDS APPROVAL.

ENTERPRISE TOWN BOARD RECOMMENDED APPROVAL.

PLANNING COMMISSION APPROVED THE ITEM AT THE JUNE 3 MEETINGS, SUBJECTS TO THE CONDITIONS AS LISTED IN YOUR AGENDA, AND ADD THE FOLLOWING REVISED CIVIL ENGINEERING BULLET TO READ DRAINAGE STUDY IN COMPLIANCE.

THIS ITEM HAS BEEN APPEALED BY CIVIL ENGINEERING TO CLARIFY CONDITIONS OF APPROVAL.

>> REID: GOOD AFTERNOON.

>> JOHN ZODY, 4880 WEST UNIVERSITY.
89103.

WE ARE THE APPLICANT.

I SPOKE WITH DENIS RICHARDS.

WE IN AGREEMENT.

WE HAVE PREPARED THE DRAINAGE STUDY AND IT IS CURRENTLY UNDER REVIEW.

>> REID: THIS IS A PUBLIC HEARING.

ANYONE ELSE HERE TO SPEAK?

SEEING NO ONE.

COMMISSIONER WOODBURY.

>> WOODBURY: I MOVE FOR APPROVAL OF THE RECOMMENDED CONDITIONS PER.

>>--

>> PER PLANNING COMMISSION AND CIVIL REVISIONS?

>> WOODBURY: YEAH.

>> REID: IS THAT YOUR MOTION?

ANY DISCUSSION ON THE MOTION?

CAST YOUR VOTE.

MOTION CARRIES.

LET'S BRING THE ITEM FORWARD THAT WE TRAILED.

IT LOOKS LIKE EVERYONE IS BACK.

ONE BIG, HAPPY FAMILY.

NO ONE IS SMILING, BUT HERE THEY ARE.

NOW THEY'RE SMILING.

>> IT HAS BEEN CLARIFIED.

JUST A MISCOMMUNICATION.

IT HAS BEEN CLEARED UP.

CIVIL ENGINEERING HAD REQUIRED US TO PROVIDE THE EASEMENT AND THE PUBLIC ACCESS TO THE FRONTAGE ROAD.

AND THE OTHER DEPARTMENT WAS JUST NOT AWARE OF IT.

AND WE ARE PROVIDING IT.

I'LL LET THEM SPEAK.

>> YEAH, APPARENTLY IT IS JUST A MISCOMMUNICATION.

R.P.M. OR DEPARTMENT OF AVIATION WAS NOT AWARE THAT WE MADE THE -- OR HAD THE CLIENT GIVE PUBLIC ACCESS TO THE FRONTAGE ROAD.

ONCE WE CLARIFIED THAT IS WHAT IS GOING TO HAPPEN.

THEY WERE GOOD WITH IT.

>> REID: ALL RIGHT.

COMMISSIONER GIUNCHIGLIANI HAS A QUESTION.

>> GIUNCHIGLIANI: DOES IT BECOME LIKE A DEED RESTRICTION, SO THAT WE KNOW, IN CASE THEY EVER SELL IT OR WHATEVER.

THAT THIS STILL REMAINS PUBLIC ACCESS?

HOW DOES THAT WORK?

>> THE CEASEMENT IS RECORDED AND IT IS -- PERPETUAL.

>> GIUNCHIGLIANI: PUBLIC ACCESS AND THAT'S HOW IT IS RECORDED.

>> YEAH.

>> GIUNCHIGLIANI: I WAS JUST CURIOUS, THANK YOU.

>> REID: COMMISSIONER WOODBURY.

>> WOODBURY: WE STILL NEED THE WAIVER AND EVERYONE IS OKAY WITH THE WAIVER IS THAT CORRECT?

>> REALLY, AND TRULY THE WAY THIS APPLICATION IS WRITTEN UP, HE HAS THE APPROVAL OF THE PARCELS TO THE EAST.

I'M NOT SURE EXACTLY WHAT THE WAIVER WOULD DO.

SO THAT'S KIND OF THE OTHER CONFUSING PART.

>> THE WAIVER CONFLICTS WITH THE EVACUATION.

SO I'M NOT SURE EITHER.

>> REID: WE NEED OUR LAWYER TO TELL US WHAT WE NEED TO DO HERE, SIR.

>> IF HE HAS THE CONSENT ALREADY OF THE TWO PARCELS SUBJECT OF THIS WAIVER, THEN WE DON'T NEED TO ACT ON THIS WAIVER, WE JUST MOVE ON TO THE NEXT ITEM.

>> REID: SHOULD WE ASK THAT IT BE WITHDRAWN?

>> YOU CAN, IF YOU WANT TO OR JUST MOVE ON TO THE NEXT ITEM AND NOT TAKE ANY ACTION ON IT.

JUST REMOVING IT FROM THE AGENDA.

>> THE ONLY THING IS PART OF MY CONDITION ON THIS FINAL ACTION IN JANUARY TO A LETTER FROM MY NEIGHBORING PROPERTY OWNERS.

IF I DON'T GET THIS WAIVER.

-- I GET A PERMIT TO CONSTRUCT WITHOUT PROVIDING CIVIL ENGINEERING THE PUBLIC EASEMENT.

>> REID: DO WE NEED TO INVITE RON LIN TO THIS PARTY?

>> REID: EXCUSE ME.

>> THE WAIVER THE WAY IT IS WRITTEN, IT IS ONLY A WAIVER OF THE REQUIREMENT TO GET CONSENT FROM TWO PARCELS, WHICH ARE THE PRIVATE PROPERTIES THAT MR. SAM SUNG SAYS HE HAS CONSENT OF.

>> REID: YOUR OPINION IS THE CONDITIONS OF THE APPROVAL HAVE BEEN MET?

>> YES, THAT'S THE WAY I UNDERSTAND IT.

IF HE HAS LETTERS OF CONSENT FROM THESE PARCELS WE DON'T NEED TO ACT ON THIS WAIVER.

>> REID: WHEN HE IS AT THE BUILDING DEPARTMENT TO PULL HIS PERMIT.

YOU'RE GOING TO GO THERE AND TELL HIM IT IS OKAY?

>> FOR THIS ARTHRITIC APPLICABLE, THERE MIGHT BE SOME OTHER APPLICATION, BUT IT IS NOT THE SUBJECT OF THE WAIVER.

THERE'S ONLY TWO PRIVATE PARCELS HE IS CLAIMING AREA OF CONSENT.

>> REID: LET ME MAKE A SUGGESTION.

OUR COUNCIL AND COMMISSIONER WOODBURY, I'LL DEFER TO YOU.

IT SEEMS THAT OUR COUNCIL IS TELLING IT US THAT YOU DON'T NEED THIS.

AND THAT WE SHOULD JUST GO ON.

MAYBE THE -- MAYBE THE WISER COURSE IS TO HOLD IT A COUPLE OF WEEKS TO, MAKE SURE YOU ARE ON THE SAME PAGE.

IF THERE IS AN APPROVAL REQUIRED.

IT WILL STILL BE -- ON OUR SAYING IN TWO WEEKS AND WE CAN DEAL WITH IT THEN, WILL IT WORK?

>> I HAVE THE CONSTRUCTION DRAWINGS FINISHED AND FINAL.

WE'RE JUST DEAD IN THE WATER.

>> REID: WHAT OUR COUNCIL IS TELLING US YOU CAN TAKE THE DRAWINGS AND GO DOWN AND PULL THE PERMIT.

IF HE'S WRONG, WE'LL BE BACK IN TWO WEEKS TO GIVE YOU AN APPROVAL THAT WOULD ALLOW THAT.

>> IF I COULD INTERJECT.

I THINK I KNOW WHAT THE PROBLEM IS WITH BUILDING PERMIT.

THEY'RE LOOKING NOT JUST AT THE WAIVER.

THEY'RE LOOKING AT ALL OF THE APPLICATIONS APPROVED.

THEY'RE STILL BANKING ON THE EVACUATION WHERE IT SAYS APPROVAL FROM ALL SURROUNDING PROPERTIES INCLUDING THE RPM PROPERTY.

SINCE WE HAD A DENIAL FROM THEM, THAT'S -- WHAT'S HOLDING UP BUILDING, BUT NOW THAT RPM UNDERSTAND, THEY SAID THEY WOULD ISSUE A NEW LETTER, STATING THAT THEY'RE OKAY WITH THE CONDITIONS, AND THAT THEY APPROVE OF THE VACATION, AND THEY APPROVE OF THE WHOLE DEVELOPMENT IN TOTAL.

SO IF WE CAN GET THAT FROM RPM.

I THINK BUILDING SHOULD BE HAPPY.
>> WOODBURY: LET'S GET MR. TAR DOWN HERE AND LET HIM SAY THAT HE'S GOING TO GIVE US A LETTER TO THAT EFFECT.
THAT PROJECT HAS BEEN DELAYED AND DELAYED.
IF WE CAN RESOLVE IT TODAY, WE SHOULD.
>> REID: RANDY YOU WERE IN YOUR OFFICE DOING SOMETHING.
>> IT IS QUITE ALL RIGHT IN.
OUR MEETINGS WITH THE DEVELOPER AND WHAT WE JUST DISCUSSED NOW.
THE CONCERN FOR THE CMA PROPERTIES IS THE VALUE.
AND TRAFFIC PATTERNS AND VOLUME ARE CONCERN.
HAVING ACCESS FROM THE TWO C.M.A. PARCELS TO GO SOUTH ALONG MONT SORRY TO THE FRONTAGE ROAD IS IMPORTANT.
IF THIS EVACUATION TAKES IT TO A PRIVATE STREET, BUT WE RETAIN THAT ABILITY FOR ANY FUTURE DEVELOPMENT ON THE CMA TO STILL HAVE THAT TRAFFIC DIRECTION.
WE'LL WRITE A LETTER THAT SUPPORTS THAT.
SO IT WILL BE A LETTER IN SUPPORT OF, SUBJECT TO, AND THEN THE -- THE DEPARTMENT OF DEVELOPMENT SERVICES BUILDING CAN MAKE SURE THOSE EASEMENTS ARE RECORDED PROPERLY.
>> WOULD IT BE POSSIBLE HAVE THE LETTER BY MONDAY?
>> WE'LL HAVE IT BY TOMORROW.
>> REID: ALL RIGHT.
SO WE'RE DOING NOTHING.
WE'RE GOOD AT THAT.
THANK YOU ALL FOR BEING HERE.
>> I HAVE ONE LAST -- ONCE I HAVE THIS LETTER, I BELIEVE I GO BACK TO THE BOTTOM OF THE QUEUE AND HAVE TO GO THROUGH THE SYSTEM ALL OVER AGAIN?
>> COLLINS: WANT US TO GO BUILD IT FOR YOU TOO, HUH?
>> NO.
>> OKAY.
I WAS GOING TO ASK IF I COULD GO BACK TO WHERE I WAS MANY MONTHS AGO, BUT IT IS OKAY. I APPRECIATE IT.
AND THANK YOU VERY MUCH.
>> COLLINS: I HAD A QUESTION.
>> REID: COMMISSIONER COLLINS HAS A QUESTION.
>> COLLINS: 5 ACRES.
THAT PARCEL IS OVER 200,000 SQUARE FEET.
THERE'S A HARDSHIP OF PUTTING THE PUBLIC STREET DOWN THE SIDE IT.
I JUST LOOK.
YOU HAVE 19 VARIANCES, AND ALL OF THAT STUFF.
I WAS CURIOUS WHAT YOU WAS DOING?
>> IT IS A GOOD QUESTION.
WHAT HAPPENED IS WE HAVE THE BACK BUILDING BASED ON THE TIMELINE TO THE PEOPLE THAT BUILT THE GRAND CANYON SKYWALK.
I HAVE ALL OF THESE CONDITIONS IF, I DON'T HAVE IT BUILT BY A CERTAIN TIMELINE, THEY HAVE A RIGHT TO CANCEL.
>> IN THESE DAYS IT IS HARD TO FIND TENANTS.
HE IS MY ONLY TENANT, BUT HE IS TAKING 67,000 SQUARE FEET.
>> COLLINS: MR. CHAIR.
>> IT SOUNDS LIKE WE HAVE EVERYTHING WORKED OUT.
MAYBE JUST IN CASE WE SHOULD HOLD IT TWO WEEKS IN CASE SOMETHING ELSE POPS UP IT WILL SHOW ON THE NEXT AGENDA.
THEN WE WOULD HAVE TO RE-ADVERTISE IT AND COULD TAKE ANOTHER FOUR TO SIX WEEKS TO GET IT BACK ON THE AGENDA.
I RECOMMEND HOLD IT TWO WEEKS.
I'LL TALK TO THE BUILDING DEPARTMENT TO SEE IF WE CAN'T GET IT MOVING ALONG.
>> WOODBURY: IF YOU GET IT WORKED OUT YOU DON'T HAVE TO SHOW UP.
HE'S RIGHT.

HE SHOULD BE ABLE TO GET BACK IN THE PILE, WHERE HE WAS BEFORE, WHEN HE WAS TOLD YOU HAVE TO GET THIS.

>> I'LL WORK WITH THE BUILDING DEPARTMENT TO SEE WHAT WE CAN DO.

>> GIUNCHIGLIANI: I WAS TEASING BUT WE SHOULD LOOK AT THE STRUCTURE LIKE DMV FOR CONSUMER SERVICE YOU GET YOUR TICKET.

ONCE YOU GET WHAT YOU DIDN'T KNOW YOU HAD TO HAVE.

THAT WAY THERE'S NO ISSUE OF SOMEONE JUMPED OVER SOMEONE ELSE OR USED THEIR AUTHORITY.

AS YOU TALK WITH THEM, ROB, THERE MIGHT BE A PROCESS THAT'S CLEAN FOR EVERYONE.

>> REID: ALL RIGHT.

IF IT IS ALL RIGHT.

I'LL MAKE THE MOTION TO HOLD THIS UNTIL OUR JULY -- WHAT?

>> 16TH.

>> REID: 16TH MEETING IF IT IS WORKED OUT I ENCOURAGE THE APPLICANT TO WITHDRAW IT BEFORE THE MEETING.

CAST YOUR VOTE.

>> THANK YOU HAPPY FOURTH OF JULY.

>> REID: HAVE ALL OF THE COMMISSIONERS VOTED?

MOTION CARRIES.

>> NEXT ITEM 44

[READING ORDINANCE NUMBERS INTO THE RECORD]

APPEAL WAIVER OF DEVELOPMENT STANDARDS TO INCREASE DECORATIVE WALL IN THE FINN SITE WITHIN THE SIGN YARD IN CONJUNCTION WITH THE SINGLE FAMILY RESIDENTS ON.5 ACRES IN THE R.E. ZONE ON REDWOOD STREET.

240 FEET SOUTH OF COOLY AVENUE.

WITH THE WAIVER, IN BACKGROUND AS DESCRIBED IN YOUR AGENDA.

STAFF TYPICALLY DOES NOT SUPPORT WALL HEIGHTS OF 8 FEET IN THE FRONT YARD HOWEVER, IT IS DECORATIVE AND THE MAXIMUM FLUCTATES BETWEEN 6-8.

THE MATERIALS AND COLORS ARE COMPATIBLE WITH THE RESIDENCE AND THE INCREASE IN HEIGHT WILL NOT SET A PRECEDENCE WITH THE SINGLE FAMILY RESIDENCE BUT POSITIVE PRECEDENCE FOR FUTURE FENCES AREA.

STAFF RECOMMENDS APPROVAL.

TOWN BOARD RECOMMENDED DENIAL.

AND ONE SPEAKER AT THE PLANNING COMMISSION MEET AND RECEIVED SEVEN CARDS IN PROTEST, AND ONE SPEAKER AT THE PLANNING COMMISSION MEETING IN PROTEST.

THE PLANNING COMMISSION APPROVED THIS ITEM AT THE JUNE 5 MEETING SUBJECT TO THE CONDITIONS AS LISTED IN YOUR AGENDA.

THIS ITEM HAS BEEN APPEALED BY THE NEIGHBOR INDICATING THE SPRING TOWN BOARD RECOMMENDED DENIAL.

THERE ARE EIGHT CARDS IN OPPOSITION.

AND WANTS THE COUNTY COMMISSION TO DECIDE THE MATTER.

>> REID: GOOD AFTERNOON.

>> GOOD AFTERNOON.

I'M TOM FRANKLE.

DO YOU WANT THE ADDRESS THAT I'M HERE BEFORE OR THE ADDRESS THAT I LIVE AT?

>> REID: WHICHEVER YOU WANT TO GIVE.

>> OKAY.

THE ADDRESS IS 3046 REDWOOD AVENUE, LAS VEGAS, NEVADA 89146.

AND I LIVE AT 6680 PIMA AVENUE THE PROPERTY TO THE SOUTH OF THIS PROPERTY.

>> REID: OKAY.

DO YOU HAVE ANYTHING TO SAY OTHER THAN THAT ON THIS?

>> THIS IS A PICK OF WHAT THE BLOCK WALL WOULD LOOK AT, EXCEPT THAT IT WOULD BE A LIGHT COLOR.

THE COLOR OF THE HOUSE, RATHER THAN BLACK.

THE PERSON I HAD DRAW IT COULD ONLY DRAW IT IN BLACK.

AND THIS IS THE WALL ADJOINING IT, WHICH IS MY PROPERTY THAT I LIVE AT.

AND THE PURPOSE FOR THE SECURITY DECORATIVE FENCE WAS FOR SECURITY.

I WAS ONE OF THE 40 PEOPLE THAT HAD ROCKS, BREAK WINDOWS IN SPRING VALLEY.

I DECIDED THAT THE PEOPLE WHO ARE GOING TO LIVE IN THE HOUSE, THEY'RE IN THEIR 60S AND IT MAKES SENSE TO HAVE SOME SECURITY.

I WISH WE DIDN'T NEED IT IN THIS WORLD, BUT I FEEL WE DO.

>> REID: ALL RIGHT.

THIS IS A PUBLIC HEARING.

IS THERE ANYONE ELSE PRESENT TO SPEAK ON THIS?

SEEING NO ONE.

I'LL TURN THIS OVER TO THE BOARD.

COMMISSIONER MAXFIELD IS ABSENT.

ANYONE IS WELCOME.

COMMISSIONER COLLINS.

>> COLLINS: THANK YOU MR. CHAIRMAN.

I HAVE A COUPLE OF THESE.

I HAD ONE SLIP THROUGH THE PLANNING COMMISSION IN MY DISTRICT, THAT I GOT ALL OF THE NEIGHBORS TO TELL ME ABOUT.

AND SOMEHOW, I DON'T KNOW HOW HE GOT SIGNATURES.

SOMEHOW IT IS BUILT.

AND THERE'S SOME INVESTIGATION ON THAT ONE.

THE SECOND SITUATION IS THE GUY WAS BUILDING IT WITHOUT PERMIT TO.

SEE THIS BE APPEALED BEFORE US, I GUESS THE FIRST QUESTION IS THE BLOCK ISN'T ALL THE WAY UP 6 FOOT IT IS JUST ROD IRON OR SOME KIND OF?

--

>> IF I CAN POINT TO THIS.

>> COLLINS: GO AHEAD POINT.

>> IN THIS PICTURE THESE ARE PILE ASTERS 18 INCHES WIDE.

THE BLOCK WALL.

>> THE 4.

THE PILE ASTERS AT 6.

IN THE PICTURE THE ROD IRON STARTS AT 6 FEET AND GOES TO 8 FEET AND BACK TO 6, SO IT IS CURVED WHICH I THINK IS MORE ATTRACTIVE THAN HAVING A STRAIGHT LINE ACROSS.

>> COLLINS: STAFF WHY IS THE PILE ASTERS SEPARATE THAN THE WALL?

>> COLLINS: I'M TALKING TO STAFF.

>> IN THE FRONT YARD THE MAXIMUM IS 5 FEET, DEPENDING ON WHERE YOU'RE AT WITHIN THE COUNTY FOR A DECORATIVE FENCE, BECAUSE WE, IN OUR DEFINITION OUR DEFINITION OF THE DECORATIVE FENCE DOES NOT INCLUDE A BLOCK WALL.

JUST ROD IRON.

THAT'S WHY HE NEEDS TO APPLY FOR THE WAIVER TO HAVE THE DECORATIVE FENCE IS NOT ONLY EXCEEDING THE 6 AND 5 FOOT, HE'S GOING UP TO 8.

AND THERE'S A PORTION OF THE BLOCK WALL, FURTHER ON THE PROPERTY THAT IS -- DOESN'T HAVE THE ROD IRON, WHICH IS SOLID, WHICH GOES HIGHER THAN WHAT'S ALLOWED IN THE FRONT YARD.

>> COLLINS: THE SIDE IS 6 FOOT.

AND THE FRONT IS DECORATIVE IRON.

>> THE SIDE YARD ON THE PROPERTY THAT I LIVE IN.

WHEN I BUILT IT APPLIED AND RECEIVED A WAIVER TO 7 FEET.

THAT WAS IN 1999.

>> COLLINS: YEAH, I WASN'T HERE.

YOU KNOW I THINK -- I AM CONCERNED ABOUT THE PRECEDENT OF DOING THAT.

IT IS 4 FOOT OF BLOCK WALL AND SOME ROD IRON, BUT THE PILE OF THERE, SO THE ROD IRON GOING OVER 6 FOOT IS THE WAIVER.

>> NO I -- .

>> COLLINS: I'M TALKING TO STAFF.

>> SORRY.

>> IT IS FOR BOTH.

THERE'S AROUND 8 FOOT DECORATIVE WALL AND FENCE FOR 6 FOOT DECORATIVE FENCE IS PERMITTED AND THE SECOND IS A DECORATIVE 8 FOOT DECORATIVE WALL AND 6 FOOT IS PERMITTED.

THERE'S A SECTION OF THE FRONT YARD THAT'S -- ALSO IN THE SIDE YARD THAT IS IN SOLID WALL THAT IS REQUIRING THE WAIVER AS WELL, AS WELL AS WHAT YOU SEE IN THE PICK.

>> COLLINS: NONE OF THE WALL IS FOR RETAINING SOIL OR NOTHING?
>> NOT THAT WE'RE AWARE OF.
>> COLLINS: I DON'T SUPPORT IT.
IT SETS A PRECEDENT AND YOU HAVE THE WHOLE NEIGHBORHOOD TURNING INTO FORTRESSES.
I'LL LET SOMEONE ELSE.
>> REID: COMMISSIONER BRAGER.
>> BRAGER: THERE'S A HOUSE SOUTH OF BUFFALO ON TEN THAT IS A BRICK WALL WITH DECORATIVE.
THIS IS A CUSTOM AREA OF HALF ACRE PROPERTIES.
IT BORDER DISTRICT F.
IT REALLY LOOKS NICE.
IT DOESN'T LOOK BOARDED IN.
IT DOESN'T LOOK LIKE IF YOU WERE OUT AND HAD YOUR RAIL OR SPLIT RAIL FENCE AND STUFF LIKE
THAT.
IT IS MORE DECORATIVE.
AS FAR AS REAL ESTATE GOES, IT IS NOT A NEGATIVE IF MORE WANTED TO DO IT.
I DON'T THINK IT TURNS IT.
IT IS AN OPINION OF DOING THIS MANY YEARS INTO A FORTRESS, BECAUSE YOU COULD JUST HOP
OVER THE ROD IRON, IF YOU WANTED TO.
I DON'T KNOW IF YOURSELF WAS A MOTION.
I HAVE NO IDEA WHAT COMMISSIONER MAXFIELD WAS THINKING AND HE'S NOT HERE.
>> COLLINS: HE'S THINK.
>> BRAGER: IT COULD BE MY AREA IN THE NEW 2010.
I DON'T SEE IT AS A NEGATIVE.
>> COLLINS: IS IT 3-4 FOOT YOU DON'T SEE THE DIFFERENCE IN THE SOLID BLOCK.
>> BRAGER: YOU CAN SEE THE HOUSE EVEN WITH THE ROD IRON.
THERE'S A NUMBER OF THEM I CAN NAME OTHERS IN THAT AREA.
>> COLLINS: NOT PERMITTED.
>> BRAGER: I DON'T KNOW.
IT IS NOT MY AREA, BUT THERE ARE MANY HOMES, THROUGHOUT THERE THAT HAVE -- BLOCK WALLS
THAT ARE MORE.
I WON'T NAME A PERSON THERE.
IS A BLOCK WALL PERSON, POSSIBLY THAT MIGHT HAVE ONE IN THAT GENERAL AREA.
>> I HAVE THOSE OF THE SURROUNDING AREA, WITH -- .
>> BRAGER: THERE'S NOT A MOTION.
I WOULD MAKE A MOTION TO APPROVE IT, WITH -- I WOULD NOT WANT TO SEE AN 8 FOOT BLOCK WALL
BUT WITH THE DECORATIVE ROD IRON STRIPPING THAT.
IF SOMEONE COMES BEFORE IN THE FUTURE WE HAVE A REFERENCE.
I THINK THAT WOULD CREATE AN UNSAFE SITUATION.
>> REID: THERE'S A MOTION FOR APPROVAL.
>> THAT WOULD JUST BE PER PLANS OF WHAT HE HAS SHOWN.
JUST THE ROD IRON WITH THE PILE OF THERE.
>> REID: IS THERE ANY OTHER DISCUSSION?
CAST YOUR VOTE.
MOTION CARRIES.
>> THANK YOU VERY MUCH.
>> ITEM 45,
[READING ORDINANCE NUMBERS INTO THE RECORD]
REQUEST FOR TEXT AMENDMENT TO AMEND TABLE 30.44-1 OF THE UNIFIED DEVELOPMENT CODE TO
ALLOW SENIOR HOSTILE WITHIN THE YOUTH OF THE COUNTY.
HAVE JUST RECEIVED A GOOD Q FROM THE APPLICANT TO HOLD THIS ITEM UNTIL AUGUST 6.
>> REID: ALL RIGHT.
IS THERE ANY DISCUSSION?
I'LL MAKE THAT MOTION.
TO HOLD THIS UNTIL AUGUST 6.
CAST YOUR VOTE.
HAVE ALL OF THE COMMISSIONERS VOTED?
MOTION CARRIES.

>> ITEM 46,

[READING ORDINANCE NUMBERS INTO THE RECORD]

A RECOMMENDATION THAT THE BOARD OF COUNTY COMMISSIONERS ACCEPT THE TWO YEAR REVIEW OF THE PROJECT CITY CENTER DEVELOPMENT AGREEMENT AND MAKE A FINDING OF SUBSTANTIAL COMPLIANCE WITH THE TERMS OF THE AGREEMENT AS REQUIRED BY THE CITY CENTER DEVELOPMENT AGREEMENT AND NEVADA REVISED STATISTIC THE STATUTE HAS SUBMITTED A 24-MONTH SUMMARIZING THE STATUS AND SPECIFYING THOSE SECTIONS OF AGREEMENT, WHICH HAVE BEEN COMPLIED WITH, AND COMPLETED.

>> REID: GOOD AFTERNOON.

>> GOOD AFTERNOON MR. CHAIRMAN AND COMMISSIONERS.

GREG BORGEL 300 SOUTH FOURTH STREET HERE FOR CITY CENTRE ALSO PRESENT, IF YOU HAVE QUESTIONS APPROPRIATE FOR HIS CONSIDERATION, IS BRUCE ALARA SENIOR VICE PRESIDENT FOR CITY CENTER.

WE'RE PLEASED TO BE HERE TO ANSWER QUESTIONS AND APPRECIATE STAFF COMPLIANCE ANALYSIS WE'RE IN COMPLIANCE THE PROJECT IS UNDERWAY.

IF WE STAY ON SCHEDULE FOR OUR REVIEW DATES, BY THE NEXT REVIEW DATE YOU WILL HAVE ALREADY BEEN TO THE GRAND OPENING.

THAT WILL BE BEFORE THE TWO-YEAR PERIOD THAT WE COME BACK TO SEE YOU.

WE'LL TAKE ANY QUESTIONS.

WE'RE MAKING PROGRESS ON THE DEVELOPMENT AGREEMENT AND ON THE PROJECT ITSELF.

>> REID: THIS IS A PUBLIC HEARING.

ANY DISCUSSION FROM THE PUBLIC?

SEEING NO ONE TURN IT OVER TO THE BOARD.

COMMENTS OR QUESTIONS?

COMMISSIONER GIUNCHIGLIANI.

>> GIUNCHIGLIANI: THANK YOU.

IN THE FIRE ISSUE, THERE'S NOT A -- IS THERE ANY ADDRESSING TO NOT HAVING MID-RISE PUMPS? OR DID THAT COME UP?

BECAUSE IT IS AN ISSUE THAT STARTED TO COME UP, THAT I THINK SOME OF THE FIRE STAFF THEMSELVES HAVE CONCERN WAIVING A REQUIREMENT FOR A MID-RISE PUMP.

IN LOOKING AT YOUR -- BUILDING SITE, PERSONNEL, ADDITIONAL EQUIPMENT, WHICH IS COMMUNICATION.

IS THERE AN ACTUALLY FIRE TRUCK THAT'S BEING PURCHASED?

OR -- JUST THE COMMUNICATIONS PIECE?

>> THERE IS A FIRE TRUCK.

IF YOU LOOK AT B.

THEY HAVE A FIRE ENGINE WITH RELATED EQUIPMENT.

>> GIUNCHIGLIANI: I WAS LOOKING AT THE BOOK RATHER THAN THE SHEET.

I PRINTED OUT THE HIGHLIGHTS SHOWING THE EQUIPMENT AND THE PAID FOR FIRE ENGINE.

>> GIUNCHIGLIANI: I WANT TO MAKE SURE THAT THE FIRE ENGINE.

THE DISCUSSIONS DIDN'T TRADE OFF AND GIVE US ONE LONG ONE AND ELIMINATE THE MID-RISE, BECAUSE THERE'S A SAFETY FACTOR THAT'S BEEN RAISED BY SOME OF THE FIREFIGHTERS THEMSELVES DO YOU RECALL THAT?

>> AS FAR AS WE'RE AWARE WE COMPLIED WITH THE FIRE DEPARTMENT.

>> GIUNCHIGLIANI: MAKE SURE WE DON'T ELIMINATE MID-RISE PUMPS IN THE EFFORT TO GET A TALLER ONE.

ON THE R.C.T. RESIDENTIAL TAX.

THAT COULD GO TO PARKS, THE REGIONAL PARKS CONCEPT?

>> THE RTC IS UNDER TITLE 19.

IT IS THE GENERAL TAKEN FOR PARKS.

WHEN WE DID THE CENTER CITY AGREEMENT.

IT WAS THE AMOUNT THEY ARE REQUIRED TO PAY FOR RESORT CONDOS ON THE SUBSEQUENT ONES WITH SOME ISSUES IT WAS SPECIFIED SO THIS IS JUST THE \$1,000 PER UNIT.

>> EXACTLY.

>> GIUNCHIGLIANI: THAT GOES INTO.

>> WE BELIEVE IT GOES INTO THE FUND FOR PARKS.

>> AND WHICH REGIONAL PARKS THEY SHOULD BE.

>> THE TOTAL OF 40 MILLION.

DO WE KNOW HOW MUCH WE WILL GET BACK ON GREEN TAX BAITMENTS?

>> I DO NOT?

IS THAT EVER BEEN ANYTHING WE DISCUSS?

>> GIUNCHIGLIANI: DOWN THE ROAD WE SHOULD HAVE A RECOGNITION OF WHAT WE'RE GETTING VERSUS WHAT WE'RE GIVING UP AS A BAITMENT PURPOSES AND NOT JUST WITH CITY CENTER, BUT ANY OF THE CONSTRUCTION PROJECTS SO, AT LEAST WE KNOW, WE'RE CAPTURING SOME EQUATED TO WHAT WE'RE GIVING UP.

OTHER QUESTIONS OR COMMENTS?

>> REID: WHAT ACTION IS REQUIRED?

DO WE JUST RECEIVE A REPORT?

ACCEPT WITH FINDING OF SUBSTANTIAL COMPLIANCE AGREEMENT.

>> THAT WOULD REQUIRE A MOTION?

>> THAT WOULD BE MY MOTION.

>> I'M GOING TO STAY ON THE SIDE BECAUSE OF WORK MY FIRM DOES FOR THE APPLICANT OR AFFILIATED TO THE APPLICANT, COMFORT.

>> REID: MOTION CARRIES.

>> THANK YOU.

>> ITEM 47 IS CONFIRMATION TO THE BOARD OF COUNTY COMMISSIONERS THAT THE PLANNING COMMISSION RECEIVED THE REPORT ON THE CHANGES MADE BY THE BOARD OF COUNTY COMMISSIONERS THAT WIND CHESTER PARADISE ANNUAL AMENDMENT.

STAFF RECOMMENDS THE CLARK COUNTY BOARD OF COMMISSIONERS ACKNOWLEDGE THE WIND CHESTER AMENDMENT REPORT WAS RECEIVED BY THE PLANNING COMMISSION WITHOUT OBJECTION.

>> REID: WE JUST NEED TO ACKNOWLEDGE THAT?

WE JUST DID.

>> ITEM 48 CP 0256-08 THE RECOMMENDATION THAT THE BOARD OF COUNTY COMMISSIONERS CONDUCT A PUBLIC HEARINGS AND APPROVE, AND AUTHORIZE THE CHAIRMAN TO AMEND THE CLARK COUNTY ELEMENT MAP TO INCREASE THE RIGHT OF WAY OF TROPICANA BETWEEN DECATUR AND INTERSTATE 15 FROM 100 FEET TO 120 FEET.

IN ADDITION, BY WAY OF CLARIFICATION THE FOLLOWING LANGUAGE SHALL BE ADDED FURTHER RESOLVED BY THE WAY OF CLARIFICATION THAT, THIS AMENDMENT IS NOT INTENDED TO REQUIRE DEDICATION OF ADDITIONAL 10 FEET OF TROPICANA RIGHT OF WAY FROM A PARCEL AS A CONDITION TO APPROVAL OF LAND USE RELATED TO THAT PARCEL, RATHER ANY DEDICATION REQUIREMENT WOULD BE APPLICABLE TO ONE DEVELOPMENT AGREEMENT, TWO LAND USE APPLICATION FOR ZONE CHANGES OR LAND USE FOR USE PERMIT FOR HIGH IMPACT PROJECTS IF THOSE LAND USE APPLICATION ARE CONSIDERED ON OR AFTER JULY 2ND 2008 AND REQUIRED MITIGATION OF SIGNIFICANT TRAFFIC IMPACTS.

>> REID: THIS IS A PUBLIC HEARING.

IS THERE ANYONE HERE TO SPEAK TO THE BOARD ON THIS MATTER?

>> SEEING NO ONE I CLOSE THE PUBLIC HEARING AND TURN IT OVER TO THE BOARD.

>> MOTION FOR APPROVAL.

>> REID: YES MA'AM.

YOU HEARD THE MOTION ARE THERE COMMENTS OR QUESTIONS?

CAST YOUR VOTE.

MOTION CARRIES.

>> ITEM 49.

A RECOMMENDATION THAT THE BOARD OF COUNTY COMMISSIONERS INITIATE THE ADOPTION FORT AMENDMENT TO THE TRANSPORTATION AMENDMENT MAP TO AMEND WIGWAM AS THE COLLECTOR OF THE 80 FROM WALLABY WAY TO DURANGO DRIVE.

>> ANY COMMENTS?

ANYONE NOT WANTING TO INITIATE THIS?

>> SO, LET'S INITIATE.

>> ITEM 50 IS THE ORDINANCE FOR INTRODUCTION.

ORDINANCE 888-08 REQUEST THAT THE BOARD OF COUNTY COMMISSIONERS INTRODUCE AN ORDINANCE TO CONSIDER ADOPTION OF THE AGREEMENT WITH ROAD RANCH GENERAL PARTNERSHIP FOR 1548 DEVELOPMENT, LOCATED WITHIN THE BOUNDARIES OF SPRING VALLEY AND ENTERPRISE.

>> REID: I'LL INTRODUCE THE ORDINANCE AND ET THE PUBLIC HEARING FOR WHAT DATE AND TIME?

1:00 FOR THAT DATE AND TIME.

>> ITEM 51 AND 52 HAVE BEEN HELD.

>> ITEM 53 IS A PUBLIC HEARING FOR STANDARD DEVELOPMENT AGREEMENT WITH WARM SPRINGS AND DURANGO PARTNERS FOR COMMERCIAL DEVELOPMENT, LOCATED WITHIN THE BOUNDARIES OF THE TOWN OF SPRING VALLEY.

READ ANYONE HERE TO ADDRESS THE BOARD ON THIS MATTER?

SEEING THAT I ADDRESS ON PUBLIC HEARING.

THERE'S A MOTION FOR APPROVAL.

CAST YOUR VOTE.

>> REID: HAS EVERYONE VOTED.

MOTION CARRIES.

THIS IS THE TIME SET ASIDE FOR PUBLIC COMMENT.

ANYONE HERE WISHING TO ADDRESS THE BOARD OF CLARK COUNTY COMMISSIONERS?

SEEING NO ONE.

THIS MEETING IS ADJOURNED THANK YOU ALL.