

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

January 23, 2008

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

BRIEFING: 5:36 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

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

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

STAFF PRESENT: Frank Fiori, Acting Planning and Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Terence Capers, Planner
Bethany Sanchez, Deputy City Attorney II
Randy Cagle, PW, Real Property Services Manager
Clete Kus, PW, Transportation Planner
Vidya Medisetty, Public Works
Mike Steele, Fire Department
Michelle Menart, Parks Planner
Jose Rodriguez, Police Department
Louise Steeps, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Steve Brown

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Dean Leavitt

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF DECEMBER 12, 2007. (CONTINUED JANUARY 9, 2008)**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

NEW BUSINESS

1. **UN-09-08 (33616) LAS PUPUSAS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LUIS AND BERTA MARTINEZ ON BEHALF OF KEITH-NEVADA SUNSET II, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES (GENERAL ON-SALE RESTAURANT SERVICE BAR LIQUOR LICENSE) IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 955 W. CRAIG ROAD, SUITE 100-A. THE ASSESSOR'S PARCEL NUMBER IS 139-04-713-006.**

The application was presented by Terence Capers, Planner who explained the use was located in an existing shopping center and would be located on the east end of the in-line commercial pad building. The customer accommodations meet the required minimum 45 seats for the on-sale of alcoholic beverages and, per the radius survey submitted by the applicant, each park exceeds the minimum 400 foot distance requirement; therefore, Staff was recommending UN-09-08 be approved subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The use permit is site specific and non-transferrable.
3. A floor plan, indicating the seating capacity of the restaurant, shall be submitted to the Planning and Zoning Department prior to the issuance of a business license for the "on sale" of alcoholic beverages in conjunction with a restaurant.

Michael Bradshaw, Bradshaw & Associates, Inc., 3753 Howard Hughes Parkway #200, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

2. UN-12-08 (33638) DISCOUNT TIRE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DON THRAILKILL ON BEHALF OF 2101 PARTNERSHIP LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND KITAMAYA STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-115-020.

The application was presented by Terence Capers, Planner who explained access to the site was from a driveway entrance along Centennial Parkway, which would be shared with a previously approved mini-storage facility. Staff was concerned with the west elevation as it did not show the proper architectural deviations, but felt it was a minor concern and could be addressed during the building permit process; therefore, was recommending UN-12-08 be approved subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That the development comply with the Commercial Design Guidelines and Development Standards including but not limited to the following;
 - a. Buildings must incorporate jogs, offsets, or other architectural features, and roof variety and variations of roof lines.
 - b. A minimum 20 foot perimeter landscape buffer shall be provided with a 60% ground coverage of live plants within 2 years of planting.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
5. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.

8. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
11. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
12. All off-site improvements must be completed prior to final inspection of the first building.
13. Applicant required to acquire ingress/egress easement from APN 124-27-115-021 for driveway entrance on Centennial Parkway.
14. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. The property owner is required to sign a restrictive covenant for utilities.
17. Fire access lanes shall be designed in accordance with the Fire Code.
18. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Anthony DeLeon, Kimley-Horn and Associates, Inc., 2080 East Flamingo Road, Las Vegas, NV 89119 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

3. **ZN-05-08 (33599) CITY OF NORTH LAS VEGAS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT TO A PSP, PUBLIC/SEMI-PUBLIC DISTRICT. THE PROPERTY IS LOCATED NORTH OF CRAIG ROAD AND APPROXIMATELY 1,434 FEET WEST OF COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-03-102-007, 139-03-201-007, 139-04-502-004, 139-04-503-002 AND 139-04-602-002.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for property where a regional park was proposed and approved. The proposed request was consistent with the Comprehensive Plan Designation of open space. The request would help facilitate the development of the park where, under the current zoning designation, many of the uses would need special use permits, versus, under the proposed zoning, they would already be principally permitted. The park has already undergone a number of workshops and has been seen by City Council. Staff was recommending that ZN-05-08 be approved.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 6 was heard next.

4. **VAC-01-08 (33609) WATER AVENUE VACATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALCO LANDSCAPE AND C&D CONSTRUCTION ON BEHALF OF FERNANDO ARRIAGA, PROPERTY OWNER, TO VACATE WATER AVENUE, COMMENCING AT STOCKER STREET AND PROCEEDING WEST APPROXIMATELY 345 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-22-811-005 AND 139-22-811-029.**

It was requested by the applicant to continue VAC-01-08 to February 13, 2008.

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

- **Jerrina McKinney, 1039 Via San Gallo Court, Henderson, NV 89011** indicated if the application was approved, they would not be able to get into their facility, as the proposed vacation would not allow access to pull trucks in.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO FEBRUARY 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

Item No. 5 was heard next.

5. **ZN-04-08 (33540) STEVEN HORSFORD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY STEVEN HORSFORD ON BEHALF OF NEVADA PARTNERS INC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A YOUTH AND ADULT VOCATIONAL EDUCATION FACILITY WITH NUMEROUS COMMERCIAL ENTERPRISES INCLUDING BUT NOT LIMITED TO "ON-SALE" LIQUOR USES, CHILD CARE FACILITY AND A HOTEL. THE PROPERTY IS LOCATED AT 710 WEST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-22-201-017.**

It was requested by the applicant to continue ZN-04-08 to February 27, 2008.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO FEBRUARY 27, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 14 was heard next.

6. **AMP-02-08 (33630) LONE MOUNTAIN 5TH LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LONE MOUNTAIN 5TH LLC AND VIVIANNA C. GONZALEZ, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY LOW (UP TO 6 DU/AC) TO NEIGHBORHOOD COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-02-101-001, 139-02-101-002, 139-02-101-003, 139-02-101-004 AND 139-02-101-005.**

Item Nos. 6 and 7 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained to the north of the site there was an R-1 development, ranch estates and R-1 to the east and south and to the west there was R-1 and ranch estates, some of which was vacant and some developed. The proposed request would situate commercial in the center of the residential development, which Staff was not supporting. According to the existing Comprehensive Plan, there were commercial areas that were approximately one quarter mile to the north and approximately one third mile to the south that could be designated as commercial nodes or were supported as commercial nodes; therefore, Staff was recommending that AMP-02-08 and ZN-06-08 be denied.

Fred Wade, Principal with Lone Mountain 5th LLC, 10080 West Alta Drive, Las Vegas, NV 89145 explained in 2006 the site was originally slated to be included in the master plan update and to be included in the mixed use component. Shortly before that, the Master Plan amendment was brought before the Planning Commission, together with four or five other properties and they were removed from that process, and at that time, had considered all of their options. They demolished the existing residences and cleaned the site and left the landscaping along Lone Mountain Road. From meetings with the Mayor and Council, they were advised to seek a limited commercial project. They held a neighborhood meeting and had nine people in attendance and had received approximately five phone calls from residents expressing their concerns, mostly related to traffic. The plan was to build a neighborhood friendly and accessible development and the tenants would probably be family operated.

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

- **Cherlynn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031** was opposed to the application. She explained she had participated on the Comprehensive Plan Focus Group and spoke against a requested change to the parcel previously. With the experience she had in the Focus Group, they tried to

plan things where they seemed most suitable, especially along the North 5th Street corridor and the proposed site was not in the area of the nodes planned for a transit stop, so commercial was not appropriate at the proposed site. There was an elementary school in the area and there was currently a crossing guard in that location where children would be walking past the proposed center to go to school.

Commissioner Ned Thomas abstained, as he was related to the Public Hearing participant.

Chairman Brown closed the Public Hearing.

Mr. Wade felt Ms. Thomas' concerns could be mitigated and appropriate measures put into place. One of the key items they were focusing on, was that they left all of the mature landscaping, so from a visual and pedestrian aspect the buffer had been left in place to provide for continued pedestrian access.

Commissioner Dilip Trivedi asked the applicant where the nearest transportation node was located. Mr. Wade responded there were transportation nodes planned further north and there were two located to south. Commissioner Trivedi asked the distance the nodes were located from the site. Mr. Wade responded they were three quarters of a mile and one mile away. Commissioner Trivedi asked if any retail or restaurants were proposed for the site. Mr. Wade responded they planned primarily neighborhood friendly businesses, such as pizza, a bakery, and a sandwich shop,

Commissioner Jay Aston was in agreement with Staff and felt they were squeezing what was left of the ranch estates area and felt those residents would be adversely affected.

Commissioner Harry Shull asked Staff if Lone Mountain Road was a 100 foot right-of-way. Randy Cagle of Public Works responded it was an 80 foot right-of-way. Commissioner Shull clarified the North 5th Street corridor would be a 150 foot right-of-way. Mr. Cagle indicated that was correct.

Commissioner Dean Leavitt agreed with Commissioner Aston and was opposed to the project being at the proposed location as it was inappropriate and would cause traffic issues.

ACTION: DENIED

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: Commissioner Shull

ABSTAIN: Commissioner Thomas

7. **ZN-06-08 (33633) LONE MOUNTAIN 5TH LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LONE MOUNTAIN 5TH LLC AND VIVIANA C. GONZALEZ, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-02-101-001, 139-02-101-002, 139-02-101-003, 139-02-101-004 AND 139-02-101-005.**

The following was carried forward from Item No. 6:

Item Nos. 6 and 7 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained to the north of the site there was an R-1 development, ranch estates and R-1 to the east and south and to the west there was R-1 and ranch estates, some of which was vacant and some developed. The proposed request would situate commercial in the center of the residential development, which Staff was not supporting. According to the existing Comprehensive Plan, there were commercial areas that were approximately one quarter mile to the north and approximately one third mile to the south that could be designated as commercial nodes or were supported as commercial nodes; therefore, Staff was recommending that AMP-02-08 and ZN-06-08 be denied.

Fred Wade, Principal with Lone Mountain 5th LLC, 10080 West Alta Drive, Las Vegas, NV 89145 explained in 2006 the site was originally slated to be included in the master plan update and to be included in the mixed use component. Shortly before that, the Master Plan amendment was brought before the Planning Commission, together with four or five other properties and they were removed from that process, and at that time, had considered all of their options. They demolished the existing residences and cleaned the site and left the landscaping along Lone Mountain Road. From meetings with the Mayor and Council, they were advised to seek a limited commercial project. They held a neighborhood meeting and had nine people in attendance and had received approximately five phone calls from residents expressing their concerns, mostly related to traffic. The plan was to build a neighborhood friendly and accessible development and the tenants would probably be family operated.

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

- **Cherlynn Thomas, 112 Junction Peak Avenue, North Las Vegas, NV 89031** was opposed to the application. She explained she had participated on the Comprehensive Plan Focus Group and spoke against a requested change to the

parcel previously. With the experience she had in the Focus Group, they tried to plan things where they seemed most suitable, especially along the North 5th Street corridor and the proposed site was not in the area of the nodes planned for a transit stop, so commercial was not appropriate at the proposed site. There was an elementary school in the area and there was currently a crossing guard in that location where children would be walking past the proposed center to go to school.

Commissioner Ned Thomas abstained, as he was related to the Public Hearing participant.

Chairman Brown closed the Public Hearing.

Mr. Wade felt Ms. Thomas' concerns could be mitigated and appropriate measures put into place. One of the key items they were focusing on, was that they left all of the mature landscaping, so from a visual and pedestrian aspect the buffer had been left in place to provide for continued pedestrian access.

Commissioner Dilip Trivedi asked the applicant where the nearest transportation node was located. Mr. Wade responded there were transportation nodes planned further north and there were two located to south. Commissioner Trivedi asked the distance the nodes were located from the site. Mr. Wade responded they were three quarters of a mile and one mile away. Commissioner Trivedi asked if any retail or restaurants were proposed for the site. Mr. Wade responded they planned primarily neighborhood friendly businesses, such as pizza, a bakery, and a sandwich shop,

Commissioner Jay Aston was in agreement with Staff and felt they were squeezing what was left of the ranch estates area and felt those residents would be adversely affected.

Commissioner Harry Shull asked Staff if Lone Mountain Road was a 100 foot right-of-way. Randy Cagle of Public Works responded it was an 80 foot right-of-way. Commissioner Shull clarified the North 5th Street corridor would be a 150 foot right-of-way. Mr. Cagle indicated that was correct.

Commissioner Dean Leavitt agreed with Commissioner Aston and was opposed to the project being at the proposed location as it was inappropriate and would cause traffic issues.

ACTION: DENIED

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Commissioner Thomas

8. UN-85-07 (33607) REGAL READY MIX - DELHI (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REGAL MATERIALS INC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO AMEND CONDITION #15 FOR A PROPOSED BATCH PLANT. THE PROPERTY IS LOCATED AT 1013 DELHI AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-303-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting to amend Condition No. 15 of previously approved conditions, which read: "All off-site improvements must be completed prior to final inspection of the first building." The applicant was requesting that they be able to develop their property, construct their building and be able to start and operate their business and give them some time and flexibility to construct the off-site improvements. Public Works indicated they were in support of the request; therefore, Staff was recommending approval of UN-85-07 to amend Condition No. 15 and add Condition No. 22 to read as follows:

15. All off-site improvements must be completed within sixty (60) days of the concrete batch plant being open for business.
22. All vehicular traffic associated with this development and its affiliated use is restricted to paved roadways.

Mark Miller, Regal Materials, 4040 Frehner Road, North Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

9. SPR-01-08 (33634) RACEWAY BUSINESS PARK. AN APPLICATION SUBMITTED BY MITCH WILSON ON BEHALF OF CROSS CREEK DEVELOPMENT LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN APPROXIMATE EIGHT (8) ACRE INDUSTRIAL/COMMERCIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND HOLLYWOOD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 123-27-810-003.

The application was presented by Terence Capers, Planner who explained the property was part of a previously approved major site plan, SPR-42-07, that entailed 24 office warehouse pad sites and 24 build to suit industrial lots. The applicant reconfigured the northeast portion of the site to include four commercial retail pad sites and applied for a use permit to allow for a convenience food restaurant with drive-thru service. The applicant was requesting reciprocal parking with cross access easements between the commercial pad site, which Staff had no objection to, as long as a cross access agreement was officially recorded. The applicant was also requesting two waivers, one to allow a reduction in perimeter landscaping from 20 feet to 10 feet along Hollywood Boulevard and the second waiver was to allow the proposed office warehouse buildings to be oriented away from the street front along Hollywood Boulevard. Identical waivers were previously requested and approved with SPR-42-07. Staff had no objection to the waiver requested and was recommending approval of SPR-01-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the Industrial component of SPR-01-08 shall comply with all Industrial Development Standards outlined in 17.24.205, including but not limited to the following:
 - A. All future buildings shall be coherently designed and treated to match submitted elevations.
 - B. All mechanical/electrical equipment shall be screened from right of way.
3. That the Commercial/Retail component of SPR-01-08 shall comply with all Commercial Development Standards and Design Guidelines outlined in 17.24.200.
4. Buildings #1 and #18 as depicted on the site plan shall not exceed the total height of twenty-six and one-half feet (26 ½') including the parapet.
5. That cross access agreements shall be recorded for the establishment of 24 reciprocal parking spaces before the issuance of a certificate of occupancy for any of the commercial/retail pad sites.

6. That the construction of the 24 reciprocal parking spaces be completed before the issuance of a certificate of occupancy for any of the commercial/retail pad sites.
7. The proposed site plan does not match the approved civil improvement plans. A formal revision must be submitted to Public Works to remove buildings 1-3 on the approved plans and a separate new submittal for the proposed northeast corner of the site will need to be submitted.
8. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
9. The northern Hollywood Boulevard driveway on the proposed site plan must match the approved and permitted location shown on the civil drawings.
10. The applicant shall submit a traffic study update for review and approval.
11. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
13. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
14. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
15. All off-site improvements must be completed prior to final inspection of the first building.
16. Fire Department access roads shall be marked to prohibit parking in accordance with the fire code.
17. Applicant shall agree to sign agreement with the City to participate in the Sewer SID Cost Sharing prior to the City processing an interlocal agreement with Clark County (or prior to mylar approval).

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Thomas

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

10. UN-11-08 (33639) RACEWAY BUSINESS PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MITCH WILSON ON BEHALF OF CROSS CREEK DEVELOPMENT, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND HOLLYWOOD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 123-27-810-003.

The application was presented by Terence Capers, Planner who explained Staff was recommending approval of UN-11-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That UN-11-08 shall comply with all conditions of approval for SPR-01-08.
3. The proposed site plan does not match the approved civil improvement plans. A formal revision must be submitted to Public Works to remove buildings 1-3 on the approved plans and a separate new submittal for the proposed northeast corner of the site will need to be submitted.
4. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
5. The northern Hollywood Boulevard driveway on the proposed site plan must match the approved and permitted location shown on the civil drawings.
6. The applicant shall submit a traffic study update for review and approval.
7. A minimum of five (5) queuing/stacking spaces is required for the drive through measured from the order board.
8. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

11. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
12. All off-site improvements must be completed prior to final inspection of the first building.
13. Applicant shall agree to sign agreement with the City to participate in the Sewer SID Cost Sharing prior to the City processing an interlocal agreement with Clark County (or prior to mylar approval).

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

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

11. SPR-02-08 (33640) RPL INDUSTRIAL BUILDING. AN APPLICATION SUBMITTED BY RYAN LUCEY ON BEHALF OF RPL FAMILY TRUST, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT FOR A WAIVER FROM THE INDUSTRIAL DEVELOPMENT STANDARDS TO ALLOW A METAL BUILDING. THE PROPERTY IS LOCATED AT 4355 PRODUCTION COURT. THE ASSESSOR'S PARCEL NUMBER IS 140-06-311-012.

The application was presented by Terence Capers, Planner who explained the proposed metal building would be approximately 7,240 square feet and be constructed on the undeveloped parcel. The applicant was requesting a waiver from the front perimeter landscaping from 20 feet to 15'6". Title 17 required the materials for the building exterior to be stone, stucco, colored or exposed aggregate, or texture finished concrete, decorative block or brick and the proposed design did not meet that condition. The applicant has modified the front facade to comply, but the sides and rear elevations do not. In addition, per the submitted elevations, there is exposed mechanical equipment that has not been screened properly to comply with Title 17. Staff has no objection to the development of the site but feels the applicant should revise the plans to comply with Code. Staff was recommending that SPR-02-08 be continued to allow the applicant sufficient time to submit a revised site plan and building elevations addressing Staff concerns.

Scott Baker, 7225 South Bermuda Road, Las Vegas, NV 89119 appeared on behalf of the applicant showing a rendering of the site. He explained the screening of the mechanical equipment was misunderstood, but would provide the screening. They agreed to the landscaping which was 15 feet in one area and 20 feet in another. He requested that Condition No. 6 be amended to add the wording "or as approved by the Public Works Traffic Division" in order to be able to work out the specifics. He asked that the application be approved as submitted and understood the sides of the building did not fit the preferred materials, but the front matched the rest of the street and the rest of the buildings on the site were on the street and were well maintained and he felt the proposed building would complement the area.

Commissioner Jay Aston asked Staff if the list of conditions in the Staff Report addressed their concerns. Mr. Capers responded they did. Commissioner Aston asked if the application were approved, the listed conditions would cover Staff's concerns. Mr. Capers responded they would.

Commissioner Aston asked the applicant if Condition No. 6 was the only condition he had concerns with. Mr. Baker responded it was Condition No. 6 and the requirement for the texture on the sides of the building. Commissioner Aston indicated that was covered in Condition No. 2.a. Mr. Baker indicated he was requesting the application to be approved

as they had submitted it. Commissioner Aston indicated he was agreeable to approval subject to Staff recommendation with Condition No. 6 being amended, but not as submitted.

Commissioner Ned Thomas agreed with Commissioner Aston, as it was his understanding that the Design Guidelines, whether residential or commercial, were to improve the appearance of the City and the texture had been required on other buildings throughout the City, so he could not approve the application as submitted.

Commissioner Aston asked the applicant if he wanted the application to go forward, or if he would like it continued. Mr. Baker responded he would like to continue to application.

Commissioner Dean Leavitt agreed with Commissioners Aston and Thomas and asked Staff if they were agreeable to amend Condition No. 6 as requested by the applicant. Clete Kus of Public Works responded he would be agreeable to add the wording at the end of Condition No. 6 to read: "or as otherwise approved by the City Engineer."

Robert Eastman, Principal Planner explained if an agreement could be worked out with applicant, the application would not have to come back before the Commission and suggested an indefinite continuance.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

12. **ZN-76-04 (33311) THE ALHAMBRA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RUNVEE INC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW MULTIPLE "ON-SALE" ESTABLISHMENTS WITHIN THE PROPOSED MIXED-USE DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND INTERSTATE 15. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-801-003, 123-30-801-004, 123-31-502-001, 123-31-602-003 AND 123-32-101-001. (CONTINUED JANUARY 9, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained The Alhambra was a PUD that consisted of a mix of uses including a casino, hotel, multiple commercial, and residential developments. The applicant was requesting to allow a number of on-sale establishments and to incorporate the City's mixed use on-sale component for the PUD; but, he also wanted to make on-sale establishments not require the special use permit that would normally be required with any on-sale. Furthermore, the existing use permit that was on file would be granted an indefinite extension of time with the proposed PUD amendment. Staff did not have a problem with incorporating the mixed use standards for on-sale establishments to this PUD. The PUD was developed just prior to the completion of the mixed use standards and it functions as a mixed product and using the mixed use requirements for on-sale was appropriate; however, Staff felt the on-sale requirements for use permits for all taverns or supper clubs, even if it was within a mixed use was appropriate; therefore, while Staff was recommending approval, they were recommending approval with the conditions listed in the Staff Report. If the Commission felt a compromise proposal that Staff had worked out with the applicant, which were the conditions listed in the revised memorandum dated January 23, 2008, were acceptable, the following conditions were recommended:

Conditions Listed in Staff Report dated January 9, 2008

40. The quantity of "On-Sale" uses in this Planned Unit Development shall be permitted under the requirements of the MUD, Mixed Use Development District (Section 17.20.230(F)(10)) which allows for one on-sale use per 50,000 square feet of commercial floor area. The ratio of tavern/restaurants to supper clubs shall not exceed two to one. Future "on-sale" establishments shall maintain the following distance separations as would be measured for an "on-sale" use permit in the Zoning Ordinance (Title 17):
- a. 400 feet from any approved school site, as set forth in the Municipal Code
 - b. 500 feet from residentially-zoned property
 - c. 2,500 feet from tavern/restaurants, saloons, and non-profit clubs

- d. Distance separation requirements for “on-sale” uses within the project shall be consistent with the MUD, Mixed Use Development District (Section 17.20.230(F)(10))
 - e. If lesser standards than outlined above are approved in the future, then the lesser standard may be approved through the “on-sale” use permit process
 - f. The distance separation requirements stated herein do not apply to any adjacent or nearby mixed-use development district(s).
- 41. There shall be directory signs at the entrances to the property.
 - 42. There shall be way-finding signs posted throughout the property.
 - 43. There shall be adequate security lighting and cameras mounted along the service drive, subject to review and approval by the Police Department prior to issuance of the first building permit.

Conditions Listed in Revised Memorandum date January 23, 2008

- 40. All codes and ordinances governing any “On Sale” establishment shall be adhered to with the exception that the tavern, as depicted on the site plan, shall be considered a principally permitted use. A building permit for the principally permitted tavern shall not be issued unless it is in conjunction with or after a building permit is issued for a minimum 50,000 square feet of commercial space.
- 41. The grease interceptor and sample manhole for the “On Sale” tavern is required to be depicted on plumbing plans.
- 42. Ann Road shall intersect Donovan Way at a ninety (90) degree angle.
- 43. The design of the bridge crossing the rail road tracks has not been finalized. Therefore, parking under the bridge structure should not be considered.
- 44. This project shall include a pedestrian walkway over the U.P.R.R. in order to provide access to the residential area to the west.
- 45. A looped water system may be required, subject to review and approval of the Utilities Department.
- 46. The sanitary sewer for the subject project shall tie into the existing 21" sanitary sewer main approximately located in the intersection of Washburn Road and Donovan Way, west of the Union Pacific Railroad, unless otherwise approved by the Director of Utilities.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation on the MUD portion of the application. He clarified that they were not asking that all on-sale, taverns, or supper clubs be excluded from the normal rules and regulations. They had one approved use permit for a tavern, so they were asking to make that a permitted use and be subject to the additional conditions listed in the revised memorandum. He clarified the design of the bridge crossing mentioned in Condition No. 43 and asked that it be deleted. They had worked with the Traffic Division of Public Works on Condition No. 42 in the revised memorandum and asked that the wording "subject to Public Works Director," be added at the end.

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

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston asked Public Works if they were agreeable to the deletion of Condition No. 43. Clete Kus of Public Works responded he was agreeable to the deletion of Condition No. 43. Commissioner Aston asked Public Works if they agreed with the requested amendment to Condition No. 42. Mr. Kus indicated he agreed to the requested amendment to Condition No. 42.

Commissioner Dean Leavitt asked the applicant if he realized the application would go to City Council for final action. Mr. Garcia understood City Council would make the final determination.

Mr. Eastman explained the conditions listed in the revised memorandum should be additional conditions to those listed in the Staff Report; therefore, the numbering should be 44 through 50.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION TO ADD CONDITION NOS. 40 THRU 43 IN STAFF REPORT AND CONDITIONS LISTED IN REVISED MEMORANDUM DATED JANUARY 23, 2008 RENUMBERED 44 THRU 50 WITH CONDITION NO. 47 DELETED AND CONDITION NO. 46 AMENDED TO READ:

46. ANN ROAD SHALL INTERSECT DONOVAN WAY AT A NINETY (90) DEGREE ANGLE, OR AS APPROVED BY DIRECTOR OF PUBLIC WORKS.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Commissioner Aston

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

13. **UN-92-06 (33157) PROJECT #1552 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO DELETE CONDITION #25, REGARDING STREET IMPROVEMENTS ON BRUCE STREET. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-801-001 AND 124-26-801-003. (CONTINUED DECEMBER 12, 2007 AND JANUARY 9, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained the school had been constructed and Condition No. 25 required the School District to construct a half street on the east side of Bruce Street. The applicant has requested to delete the condition, since that side of Bruce Street was unimproved and was currently under a private ownership, which was not the School District. Staff was recommending that UN-92-06 be denied and Condition No. 25 remain as originally approved, since the school site and the school increased traffic in the area and that additional right-of-way and a dedicated and improved right-of-way was necessary. Staff felt the additional roadway would improve traffic in the area, which was caused by the addition of the school; therefore, Staff felt the condition should remain and that Planning Commission should forward the application to City Council for final action with Condition No. 25 left as originally written.

The applicant was not present for comment.

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

- **Bob Combs, 255 East El Campo Grande Avenue, North Las Vegas, NV 89031** appeared and turned his comments over to his attorney, Mr. Ravenholt.
- **Dirk Ravenholt, 2013 Alta Drive, Las Vegas, NV** appeared on behalf of the applicant indicating they were opposed to the application. The School District had originally agreed to the condition and it was felt they should be held to it. He also indicated the School District had not had any negotiations with RC Farms.
- **Scott Sauer, 770 West Lone Mountain Road #2026, North Las Vegas, NV 89031** was upset the School District did not show up to the meeting and did not feel the School District was being honest and asked the Commission to deny the application.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt felt the City had been patient and understanding with the School District, but it was time to send them a message.

Commissioner Ned Thomas felt it was unfortunate that the City continued to tangle with the School District over the school sites and also felt a unified message should be sent to the School District and he did not understand why there had not been any negotiations with Mr. Combs on the right-of-way. In most cities, putting in the roads went along with building a school and was a non-issue and he did not feel it should be an issue in North Las Vegas.

Commissioner Leavitt indicated in the next election year the School District would be asking the tax payers for an additional bond issue, which was needed to maintain schools, but he was amazed that they were slapping the voting public in the face and recommended that UN-92-06 be denied.

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

Item No. 15 was heard next.

14. **FDP-05-07 (31589) CENTENNIAL & LOSEE PROJECT. AN APPLICATION SUBMITTED BY JACK BINION AND PHYLLIS COPE PROPERTY OWNERS, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF NINE (9) RETAIL PADS, THREE (3) OFFICE BUILDINGS AND TWO (2) PARKING GARAGES. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS124-25-101-001. (CONTINUED AUGUST 8, OCTOBER 24, DECEMBER 12, 2007 AND JANUARY 9, 2008)**

It was requested by the applicant to continue FDP-05-07 to February 27, 2008.

ACTION: CONTINUED TO FEBRUARY 27, 2008

MOTION: Commissioner Trivedi

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

15. UN-78-07 (31592) CENTENNIAL & LOSEE PROJECT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JACK BINION AND PHYLLIS COPE, PROPERTY OWNERS, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A FINANCIAL INSTITUTION (BANK) WITH A DRIVE-THROUGH. THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-101-001. (CONTINUED AUGUST 8, OCTOBER 24, DECEMBER 12, 2007 AND JANUARY 9, 2008)

The application was presented by Robert Eastman, Principal Planner who explained the application was part of an already approved PUD that was not yet developed. Item No. 14 was a final development plan, which was being continued to allow the applicant time to make some changes to the site so it would be in compliance with the approved PUD conditions. The application was for a bank with a drive-thru. The proposed bank was 5200 square feet and was in compliance with the requirements of Title 17 and the Design Standards. There were conditions that they must comply with the Final Development Plan and the Rezoning, specifically, Condition No. 4 would be deleted and Condition No. 5 would be amended to read: "The proposed development shall comply with the requirements of ZN-107-07 and any associated final development plan." The reason for that, was if some time in the future, the site plan was brought in piece meal and there were multiple final development plans, the final development plan with this phase would cover this use permit instead of Staff trying to guess which final development plan would be required. Staff was recommending that UN-78-07 be approved subject to Staff recommended conditions. The original recommended conditions were as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Submit a detailed landscape plan showing the size, type and location of the plants for review and approval of the Planning & Zoning Department.
4. The proposal shall comply with all the conditions of FDP-05-07.
5. The proposed development shall comply with the requirements of ZN-107-07.
6. The drive through operation shall provide a minimum of five stacking spaces per drive through lane behind the service station/ ATM.

7. The sewer main in Losee Road is at capacity. The City is currently designing a 36-inch sewer in Losee Road from Centennial Parkway to Craig Road, should the subject project be ahead of the City's project, the developer will be required to oversize the existing 8-inch sanitary sewer main to 36-inch from manhole to manhole along the frontage of Losee Road, unless otherwise approved by the Director of Utilities. The project needs to be completed prior to the completion of Losee Road Improvements Project.
8. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
9. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 4 AND CONDITION NO. 5 AMENDED TO READ:

5. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF ZN-107-07 AND ANY ASSOCIATED FINAL DEVELOPMENT PLAN.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

16. UN-79-07 (31593) CENTENNIAL & LOSEE PROJECT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JACK BINION AND PHYLLIS COPE PROPERTY OWNERS, FOR A USE PERMIT IN AN PUD PLANNED UNIT DEVELOPMENT DISTRICT FOR A CONVENIENCE FOOD RESTAURANT WITH A DRIVE THROUGH. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-101-001. (CONTINUED AUGUST 8, OCTOBER 24, DECEMBER 12, 2007 AND JANUARY 9, 2007)

The application was presented by Robert Eastman, Principal Planner who explained the application was related to Item No. 15, UN-78-07, and was for a convenience food restaurant with drive-thru and was part of the same PUD. Staff felt the use was appropriate and was recommending approval of UN-79-07 with the deletion of Condition No. 4 and Condition No. 5 amended to read: "The proposed development shall comply with the requirements of ZN-107-07 and any associated final development plan." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Submit a detailed landscape plan showing the size, type and location of the plants for review and approval of the Planning & Zoning Department.
4. The proposal shall comply with all the conditions of FDP-05-07.
5. The proposed development shall comply with the requirements of ZN-107-07.
6. The drive through operation shall provide a minimum of five stacking spaces per drive through lane behind the service station/ ATM.
7. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
8. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 4 AND CONDITION NO. 5 AMENDED TO READ:

5. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF ZN-107-07 AND ANY ASSOCIATED FINAL DEVELOPMENT PLAN.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

The was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:02 p.m.

APPROVED: February 27, 2008

/s/ Steve Brown
Steve Brown, Chairman

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