

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

April 23, 2008

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

CALL TO ORDER: 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

WELCOME: Chairman Steve Brown

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

STAFF PRESENT: Frank Fiori, Acting Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Mary Aldava, Senior Planner
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Vidya Medisetty, Public Works
Janice Carr, Fire Department
Jose Rodriguez, Police Department
Doug Bergstrom, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Vice-Chairman Dilip Trivedi

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING
OF MARCH 26, 2008**

ACTION: APPROVED

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

NEW BUSINESS

1. **UN-33-08 (34790) BIODIESEL OF LV UPRR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NC INDUSTRIES LLC, PROPERTY OWNER, FOR AN EXPANSION TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (APPROXIMATELY 420,000 GALLONS OF DIESEL FUEL; 1,260,000 GALLONS OF BIODIESEL; 420,000 GALLONS OF METHANOL; 100 TONS OF SODIUM HYDROXIDE; 20,000 GALLONS OF PHOSPHORIC ACID, 300,000 GALLONS OF ETHANOL; AND 150,000 GALLONS OF SODIUM METHOXIDE). THE PROPERTY IS LOCATED SOUTH OF EL CAMPO GRANDE AND APPROXIMATELY 470 FEET WEST OF RANGE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-28-401-001.**

It was requested by the applicant to continue UN-33-08 to May 28, 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 MAY 28, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

2. **ZN-54-06 (34786) CRAIG & ALLEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF CRAIG ALLEN DEVELOPMENT LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED MUD MX-2, MIXED USE DEVELOPMENT DISTRICT/COMMUNITY CENTER MIXED USE TO AMEND CONDITIONS OF APPROVAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-06-701-013 AND 139-06-701-012.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting an amendment to Condition No. 10, which required the dedication construction of a flared intersection, which includes a right turn lane at Allen Lane and Craig Road and the applicant was requesting that the language, "and construction" be removed. They were requesting to dedicate but not construct it at the present time. The Public works Department was in support of the amendment; therefore, Staff was recommending that ZN-54-06 be amended with Condition No. 10 amended to read:

10. Right-of-Way dedication of a flared intersection, including a right turn lane, is required at Allen Lane and Craig Road per the *Uniform Standard Drawings for Public Works' construction Off-Site Improvements* Drawing Number 201.1 and 245.1.

Todd Howell, Trammell Crow Residential, 385 Pilot Road, Las Vegas, NV 89119 indicated the waiver was filed on the recommendation from Staff, as they wanted them to remove the words, "and construct", based on their recommendations from the zoning stipulations and they 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;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

MOTION: Commissioner Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

3. UN-26-06 (34708) CREATIVE CORNER CHILD CARE INC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CREATIVE CORNER CHILD CARE, INC. ON BEHALF OF BEVERLY ELMORE, PROPERTY OWNER, FOR APPROVAL OF AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CHILD CARE FACILITY. THE PROPERTY IS LOCATED AT 1518 WEST ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-410-014.

The application was presented by Marc Jordan, Planning Manager who explained the applicant had already filed building permits and civil plans. Staff was recommending approval of UN-26-06 subject to the following conditions:

1. This use permit extension of time shall expire on March 22, 2010.
2. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Commercial Development Standards and Design Guidelines including but not limited to:
 - a. Building shall be finished in earth tone or neutral colors indigenous to the Las Vegas Valley and its surrounds.
 - b. Rooftop and ground level mechanical and electrical service equipment shall be screened from public view with materials architecturally compatible with the finishes and character of the principle structure within the development.
 - c. The proposed return walls to the east and west of the existing building shall be decorative.
 - d. The landscape buffer to the west of the property from the front property line to the rear of the existing building (approximately 90 feet) shall be reduced to eight (8) feet.
 - e. The landscape buffers to the north and east of the property (designated children's play area) shall be twenty (20) feet. No play structures should be located in this buffer.
 - f. The landscape buffer within the parking area located on the east side of the property (approximately 90 feet from the front property line) shall be reduced to eight (8) feet. To increase the landscape density, two parking diamonds, each including a 24" box tree (minimum 1 ½" caliper measured at 4 ½" above the top of the rootball) at the time of installation, shall be added.
 - g. A perimeter block wall, minimum height of six (6) feet, decorative in nature, shall be provided.
3. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

4. Approval of a traffic study is required prior to submittal of the civil improvement plans.
5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Alexander Road.
6. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Alexander Road
7. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
10. A revocable encroachment permit for landscaping within the public right of way is required.
11. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
12. The property owner is required to sign a restrictive covenant for utilities.
13. Landscaping plans and the permit for the trash enclosure shall receive final approval prior to issuance of the Certificate of Occupancy.

John Chariso, Counsel, 2920 North Green Valley Parkway, Henderson, NV, Nicholas Warnkey, EKN Engineering, 245 East Warm Springs, Las Vegas, NV 89119, and Doniell Elmore-Murray, 4213 Fabulous Finches, North Las Vegas, NV 89084 appeared on the application and 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 Aston

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

NAYS: None

ABSTAIN: None

Item No. 6 was heard next.

4. **UN-34-08 (34828) DECATUR COURT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DECATUR COURT LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 5530 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-008.**

ACTION: WITHDRAWN

Item no. 5 was heard next.

5. UN-28-02 (34758) CENTENNIAL CROSSINGS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BELTWAY/I-15, LLC AND JV PROPERTIES LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF INTERSTATE 15 AND 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-101-003, 123-28-101-004, 123-28-101-005 AND 123-28-101-006.

It was requested by the applicant to continue UN-28-02 to May 14, 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 MAY 14, 2008

MOTION: Commissioner Aston

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Item No. 9 was heard next.

6. ZN-27-00 (34780) CHEYENNE VALLEY GATEWAY PHASE 1 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LYLE E. BRENNAN ON BEHALF OF CVG RETAIL LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW AUTOMOBILE SALES. THE PROPERTY IS LOCATED AT 4370 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-07-417-012.

The application was presented by Mary Aldava, Senior Planner who explained the proposed project was located in the Cheyenne Technology Corridor. The retail building was approximately 12,052 square feet with approximately 60 parking spaces. Based on the site plan, it appeared there were over 23 parking stalls fronting Cheyenne Avenue that would be used for outdoor display of automobiles. In addition to the 23 spaces, two other automobiles were identified adjacent to the front of the building and 17 additional spaces for vehicles were located within the building. In addition, the applicant was requesting a coffee shop with seating for approximately 84 customers. Staff's parking calculations indicate the applicant would need to provide 111 spaces, which was based on the two proposed uses and the square footage of the building. The parking, however, should not be the primary factor when considering the request. If the request was approved, it would be tied to the zoning and the land; therefore, if the ordinance was approved, any auto dealership would be able to occupy any property within the PUD. The applicant indicated the use would be an upscale establishment; however, there were no guarantees on the auto dealerships. Staff was not supporting the applicant's request, but would support automobile, boat or recreation vehicles with daytime outdoor display of no more than five vehicles or boats between the hours of 6:00 a.m. and 11:00 p.m., daytime outdoor display of six or more vehicles or boats would be allowed as a special event, with set events properly licensed through the business license division. This would also be allowed through a special use permit. Staff was recommending approval of ZN-27-00 with clarification that Condition Nos. 23, 24, and 25 were added to the previously approved PUD. The recommended conditions of approval are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The following right-of-way dedications are required:
 - a. Right-of-way for a CAT bus turn-out on Cheyenne Avenue near Valley Drive.
 - b. Additional right-of-way for a flared intersection per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* at Valley Drive and Cheyenne Avenue.

3. The property owner shall grant an easement for the commercial driveways prior to approval of the civil improvement plans.
4. The property owner shall sign a restrictive covenant for utility easements prior to approval of the civil improvement plans.
5. An encroachment permit for landscaping in the right-of-way will be required prior to approval of the civil improvement plans.
6. The plans must show the public utility easement granted per document 870626:00851 (affects north 10' of south 60').
7. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
8. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
9. No more than 15% of the entire development shall be allocated for retail/service uses.
10. That the retail and office areas of the development shall be in compliance with the Commercial Design Standards, including but not limited to parking lot landscaping, foundation landscaping, pedestrian plaza open space and pedestrian walkways.
11. That the business park areas of the development shall be in compliance with the Industrial Design Standards, including but not limited to parking lot landscaping, foundation landscaping, pedestrian plaza open space and pedestrian walkways.
12. That the design theme of the business park be consistent with that of the commercial area .
13. That the uses permitted within the retail buildings be limited to those identified as "Principally Permitted Uses" in the C-1, Neighborhood Commercial, district with the following exceptions, which shall not be permitted: Appliance sales and services, auto supply store, department store, furniture store, garden supply store, grocery store, hardware store, hunting and fishing supply store, paint and wallpaper store, and pet shop.
14. That the following uses shall be considered "Principally Permitted Uses" within the commercial areas and shall not require individual Planning Commission consideration as part of this PUD: banks and financial institutions regulated by the federal government.

15. That the uses permitted within the business park shall be limited to those identified as "Principally Permitted Uses" in the M-1, Business Park Industrial, zoning district with the following exceptions, which shall not be permitted: Outdoor storage, exterminator shop and manufacturing.
16. That all free-standing signage be limited to monument-type, which shall not exceed eight (8) feet in overall height. All free-standing signs shall be sized and located in accordance with the requirements set forth in the Zoning Ordinance.
17. That all trash enclosures shall be located a minimum of fifty (50) feet from the residential development to the north of this site.
18. That a final development plan be reviewed and approved by the Planning Commission for each phase of development.
19. That the development of this PUD shall be in compliance with all applicable codes and ordinances in effect at the time of construction. If there is a conflict with the conditions stated herein, the more restrictive shall apply.
20. The applicant shall be required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, and may, depending upon the FAA's determination, also be required to obtain a permit from the Clark County Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment, prior to construction.
21. An aviation easement shall be completed and submitted to the Clark County Department of Aviation for all new construction that is within the airport environs.
22. No structures, including signage or fencing shall be permitted within 25 feet of the Runway Protection Zone (clear zone).
23. The applicant shall submit a traffic study update for review and approval.
24. 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.
25. Automobile, boat or recreational vehicle sales with daytime outdoor display of no more than five (5) vehicles or boats, and only if approved with a special use permit. Daytime outdoor display of six (6) or more vehicles or boats shall only be allowed as a special event when said event is properly licensed through the Business License Division. This use shall be included as part of the development's allowable commercial retail percentage (15%) of the site. Daytime shall be defined as 6:00 am until 11:00 pm. No service or repair of vehicles or boats shall be allowed.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant asking that Condition No. 25 be amended, as they did not want the stipulation of having no more than five automobiles or boats for outdoor display. She requested the condition be amended to effectively state that the number of outdoor vehicles or boats that could be displayed during daytime hours would be determined at the time the special use permit was submitted for approval. Ms. Lazovich agreed that the use could not happen with the amended PUD, that the applicant would need to apply for a special use permit, and at that time, the applicant would have a better idea of the number of vehicles he would like to display outside during the hours of operation for outdoor display. The provision of the conditions that said “no service or repair of vehicles would be allowed”. Ms. Lazovich read the requested amended Condition No. 25 as follows: “Automobile, boat or recreational vehicle sales with daytime outdoor display shall be allowed only if approved with a special use permit. The number of vehicles or boats that may be displayed outdoors shall be determined at the time of the special use permit. This use shall be included as part of the development’s allowable commercial retail percentage (15%) of the site. Daytime shall be defined as 6:00 a.m. until 11:00 p.m. No service or repair of vehicles or boats shall be allowed” and asked the Commission to approve the application with the proposed amended Condition No. 25.

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

Chairman Brown closed the Public Hearing.

Commissioner Dilip Trivedi asked how many boats would be on the site and asked if the boats would leave less parking spaces for the automobiles. Ms. Lazovich responded, when the special use permit came through, the applicant would have a better idea of what their inventory would be. She felt less boats were seen for outside display because they took up too much space. The parking would be determined at the time of the use permit. Commissioner Trivedi asked the current parking situation. Ms. Lazovich did not know.

Marc Jordan, Planning Manager explained the current parking was based on office, some commercial and retail uses. With the proposed use, Staff had concerns that the 18 spaces would not be sufficient. The site was not designed to offer outdoor display of automobiles. If the proposed amendment to Condition No. 25 was approved, which Staff did not support, the parking would have to be reviewed when the special use permit was submitted.

Commissioner Ned Thomas agreed with Ms. Lazovich, that the issue of the number of parking stalls could be left to a later time; but, that was because the issue was not the number of stalls, but a bigger issue for the Commission to consider, would be the vision for the Cheyenne Technology Corridor, especially along the area of the proposed use. He was not sure the intent was to have it look like Boulder Highway with used car and boat

dealerships, but a desirable, attractive technology corridor with business parks and banks. There were no assurances that the proposed use would be high end.

Chairman Brown asked Staff if there was a way to limit the type of automobiles that could be sold. Mr. Jordan explained Condition No. 25 was written as it was, because originally when Staff met with the applicant, they proposed the Premier Auto Boutique with a coffee shop and minor amounts of outside display, which Staff had no objection to because it was supposed to be classic high end automobiles situated around a nice setting. The applicant was made aware that Staff did not want to see the use turn into a used car dealership. The applicant indicated that if things were successful and the business were to expand, they would probably have to find another location. Mr. Jordan pointed out that the use runs with the land, not with the person; so, if the applicant were to leave the location, another person could come in and occupy the space and Staff was concerned it could turn into a used car lot, which was not the intent of the Cheyenne Technology Corridor. It would be difficult to limit what could be sold. The applicant indicated to Staff there would be limited outside display and the vehicles would be put inside at night to protect them from vandalism. Mr. Jordan explained Staff was supportive of the use and Condition No. 25 was written as part of the PUD, because that was what would govern the future use permit and Staff wanted to be very specific so they could ensure a high end use would be on the site.

Commissioner Harry Shull stated he had seen a similar use in San Diego with high end vehicles and was in favor of the concept and wanted to make sure it was not turned into a used car lot. He was not opposed to waiting until the use permit was submitted to determine how many vehicles could be on outdoor display and was in favor of the amendment to Condition No. 25.

Commissioner Trivedi asked why the hours of operation were to 11:00 p.m. Mr. Jordan explained Staff was trying to be flexible. Commissioner Trivedi asked if most dealerships closed at 9:00 p.m. Mr. Jordan explained, since there would be a coffee shop included with the use, it was felt 11:00 p.m. was reasonable.

Chairman Brown asked if it was beyond reason to ask that the applicant not display anything on the vehicles that would indicate they were for sale. Mr. Jordan explained the use would also be regulated by Department of Motor Vehicles (DMV) and they have very specific rules when it comes to outside display.

Chairman Brown understood the reasoning for putting the number of vehicles for outside storage in the PUD and supported the proposed amendment to Condition No. 25.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 25 AMENDED TO READ:**

25. AUTOMOBILE, BOAT OR RECREATIONAL VEHICLE SALES WITH DAYTIME OUTDOOR DISPLAY SHALL BE ALLOWED ONLY IF APPROVED WITH A SPECIAL USE PERMIT. THE NUMBER OF VEHICLES OR BOATS THAT MAY BE DISPLAYED OUTDOORS SHALL BE DETERMINED AT THE TIME OF THE SPECIAL USE PERMIT. THIS USE SHALL BE INCLUDED AS PART OF THE DEVELOPMENT'S ALLOWABLE COMMERCIAL RETAIL PERCENTAGE (15%) OF THE SITE. DAYTIME SHALL BE DEFINED AS 6:00 A.M. UNTIL 11:00 P.M. NO SERVICE OR REPAIR OF VEHICLES OR BOATS SHALL BE ALLOWED.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

7. **SPR-08-08 (34507) A COMPANY. AN APPLICATION SUBMITTED BY LARRY MOORE ON BEHALF OF DOROTHY MOORE AND 2 MORCO LLP, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW APPROXIMATELY 80,809 SQUARE FEET OF OUTDOOR STORAGE AND FOR A WAIVER OF THE INDUSTRIAL DEVELOPMENT STANDARDS TO ALLOW A FIVE (5) FOOT PERIMETER LANDSCAPE AREA WHERE 20 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 2701 AND 2725 SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-17-301-003, 139-17-301-004, 139-17-301-006 AND 139-17-301-007.**

The application was presented by Mary Aldava, Senior Planner who explained the site was partially developed and zoned M-2 General Industrial District. The submitted site plan indicated the applicant proposed approximately 80,809 square feet of outdoor storage and was also requesting a reduction in the 20 feet of landscaping to five feet. The object of a perimeter landscape area was to provide an attractive buffer between intense uses such as the outdoor storage area and public view. Without the proper buffer, ample landscaping such as 24" box trees, would be difficult to install and the end result of the reduction would be public view of an outdoor storage yard and, in this case, the portable restrooms from the street. The applicant has not demonstrated any unique condition to waive the requirement; therefore, Staff was not supporting the waiver request. Currently, there were two temporary storage buildings near the main entrance of the southern most lot; therefore, the applicant would need to relocate those storage units to accommodate the 20 feet of landscaping. There were two office trailers on site, one of them was a permanent building and permitted in 1997 and the other has not been permitted and was on site illegally; therefore, the applicant would need to apply for a building permit for the existing buildings and any future buildings on the site. The applicant would also need to revise the site plan to accommodate the seven parking spaces that were required for the business. Staff was recommending approval of SPR-08-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Industrial Design Guidelines and Development Standards, including but not limited to the following:
 - a. A twenty (20) foot wide perimeter landscape area setback from the front property line to the proposed parking lot and a decorative screen wall is required.
 - b. The twenty (20) feet of landscaping shall include 60% of ground cover with 24" box tree every 15 feet on center.

3. Adequate parking spaces including ADA accessible spaces must be designated for the proposed use as per Title 17.
4. All new buildings shall comply with the preferred building materials must be permanent and legally permitted through the City of North Las Vegas Building Department.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. Coordination with the City's SID project for Simmons Street (Quang Phan) is required.
7. Improvements on Simmons Street will need to be constructed by the developer if the project is being processed prior to the Simmons Street plans being at 90%.
8. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. The applicant shall submit a traffic study update for review and approval and abide by all conditions of the approved traffic study.
12. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Simmons Street.
13. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:1. Simmons Street
14. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site. A shared access agreement shall be provided for the properties, and driveways shall be located to conform with *City of North Las Vegas Municipal Code*. The driveway near Station 20+00 Simmons Street, will not be allowed.

15. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
16. Gates restricting traffic across required access lanes shall be in accordance with Fire Code requirements.

Larry Moore, P.O. Box 5702, Boise, ID 83705 and Allen Nielsen of AK Nielsen, 2900 South Rancho Drive, Las Vegas, NV appeared on the application. Mr. Nielsen explained the property being developed was flanked on the south and north by developed properties with five foot landscape buffers. The property on the south had a five foot landscape buffer with a seven foot block wall and was landscaped with trees and shrubs. The property to the north had a five foot landscape buffer with curb and gutter with asphalt and parking. The applicant was asking to match the existing landscape buffers with a five foot landscape buffer. He explained Simmons Street was a 60 foot street and was increased to 100 feet, so an extra 20 feet was dedicated and it was difficult to give another 20 feet for landscaping. They were asking for the variance to match the landscaping easements on the north and south properties.

Commissioner Dean Leavitt asked the applicant if he understood, if the application was approved, that the two storage structures at the front of the property would have to be removed and relocated. The applicant was not sure which structures the Commissioner was referring to.

Ms. Aldava explained there were two storage units, one of them being a connex box at the front of the property. Mr. Nielsen responded it was basically an empty piece of property and there was nothing on it.

Staff showed a picture of the site, which showed the storage units being referred to.

Mr. Moore explained it was a storage building and could be moved. Commissioner Leavitt explained Staff was requesting that it be moved. Mr. Moore explained it was a storage unit and was a rental and they were in the rental business. Commissioner Leavitt asked if the unit was a display. Mr. Moore responded it was being used as storage, it was not a display.

Ms. Aldava explained the structures were located within the set-back area and would need to be moved 20 feet from the set-back area.

Chairman Brown asked how far back the buildings would have to be. Ms. Aldava responded they had to be 20 feet from the wall. She explained the reduction was only for the landscape buffer, not the reduction of the set-back.

Mr. Moore stated with the wall, the storage buildings were not visible, so he was not sure what the issue was with the storage buildings.

Commissioner Ned Thomas asked to see an aerial photo of the site. Mr. Jordan showed the aerial of the site, showing the area of the storage units and where the landscaping was currently. He explained the landscape waiver was being considered and the set-back issues would be dealt with. The Commission was only voting on the landscape waiver and the reduction in set-back would be a variance process.

Commissioner Thomas clarified they were talking about the expansion of the business going to the north and the landscaping extending the entire length up to 2735 Simmons Street.

Mr. Nielsen explained the block wall, shown in the plans, was continuous with two openings at the driveways and shielded the site from Simmons Street.

Commissioner Thomas felt five feet of landscaping was a reasonable concession as that was what was on the existing properties and they had already given 20 feet for the roadway and was in support of the application.

Commissioner Dilip Trivedi asked the applicant if they were storing porta toilets and were across from R-1 single-family residential. Mr. Moore responded there was no residential in the area. Commissioner Trivedi explained the property across Simmons Street was zoned R-1. Mr. Moore explained they had been operating from that location for more than 11 years. Mr. Nielsen explained most of the development around their property was industrial and there were no homes close by.

Mr. Moore explained he planned to put a block wall to the north end of the property and wanted it to be cohesive with the existing property.

Chairman Brown stated he could not support a five foot landscape buffer, as five feet was ineffective and leads to what the City was trying to avoid, the tunneling effect you get with walls on both sides of a road, but could compromise with 10 feet.

Mr. Jordan stated if the Commission desired approval, Condition Nos. 2.a and 2.b should be amended to change the twenty feet of perimeter landscaping to five feet.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 2.A AND 2.B AMENDED TO READ:

2.A. A FIVE (5) FOOT WIDE PERIMETER LANDSCAPE AREA SETBACK
FROM THE FRONT PROPERTY LINE TO THE PROPOSED

PARKING LOT AND A DECORATIVE SCREEN WALL IS REQUIRED.

- 2.B. THE FIVE (5) FEET OF LANDSCAPING SHALL INCLUDE 60% OF GROUND COVER WITH 24" BOX TREE EVERY 15 FEET ON CENTER.

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

Mr. Moore asked if they could put up a block wall to match to existing property to the south.

Mr. Jordan explained he did not know what was on the existing property to the south. They were allowed to put up a screen wall, but it must be decorative.

8. **T-1318 (34768) BRANSON INDUSTRIAL. AN APPLICATION SUBMITTED BY QUINN DEVELOPMENT ON BEHALF OF BRANSON INDUSTRIAL LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A ONE (1) LOT INDUSTRIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BRANSON AVENUE AND CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-12-202-014.**

The application was presented by Mary Aldava, Senior Planner who explained the property was undeveloped and zoned M-2 General Industrial. The applicant indicated in the Letter of Intent that they were proposing four buildings for sale within the M-2 District. The subject property was adjacent to single family residential development to the east and the homes were fronting Berg Street. Originally, the properties to the north and the subject property were zoned R-1 Single-Family Residential and were reclassified to M-2 zoning in 1998. With the approval, the Resolution of Intent stated that only emergency vehicles would be permitted access from Berg Street; therefore, Staff was recommending that T-1318 be continued to allow the applicant to amend his tentative map, as there was a driveway shown at the northeast corner of the property. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That the development of this site shall be in compliance with industrial design guidelines.
3. Due to the proximity of the existing residential community, driveways will not be permitted along Berg Street.
4. Approval of a traffic study is required prior to submittal of the civil improvement plans.
5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Civic Center Drive.
6. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Civic Center Drive
 - b. Branson Avenue
 - c. Berg Street

7. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
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. The property owner is required to sign a restrictive covenant for utilities.
14. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. All off-site improvements must be completed prior to final inspection of the first building.

Tim Moreno, 5230 West Patrick Lane, Las Vegas, NV 89118 appeared on behalf of the applicant asking that the application be heard, as they could redesign the project deleting the driveway on the northeast corner of the property.

Commissioner Jay Aston asked if a crash gate could be added.

Marc Jordan, Planning Manager explained there was a condition in the Staff Report to address it and the applicant indicated they were willing to remove the entrance. Due to the proximity to the existing residential community, driveways would not be permitted along Berg Street.

Commissioner Aston clarified the conditions in the Staff Report would allow the Commission to move forward with the application and asked the applicant if they agreed to the conditions.

Mr. Moreno responded he concurred with the recommended conditions.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

Item No. 12 was heard next.

OLD BUSINESS

9. **GED-01-08 (34410) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC. ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001. (CONTINUED MARCH 26, 2008)**

It was requested by the applicant to continue GED-01-08 to May 28, 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 MAY 28, 2008

MOTION: Commissioner Aston

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

10. **UN-26-08 (34414) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC. ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW TWO (2) CASINOS AND HOTELS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001. (CONTINUED MARCH 26, 2008)**

It was requested by the applicant to continue UN-26-08 to May 28, 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 MAY 28, 2008

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

11. **UN-27-08 (34416) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC. ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 90-FOOT BUILDING HEIGHT FOR TWO CASINOS AND HOTELS WHERE 60 FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001. (CONTINUED MARCH 26, 2008)**

It was requested by the applicant to continue UN-27-08 to May 28, 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 MAY 28, 2008

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 2 was heard next.

12. UN-97-07 (32218) AAA DISCOUNT STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BENJAMIN DONEL ON BEHALF OF DONEL DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 2647 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-302-005 AND 139-13-301-002. (CONTINUED SEPTEMBER 26 AND DECEMBER 12, 2007 AND MARCH 12 AND 26, 2008)

The application was presented by Robert Eastman, Principal Planner who explained the proposed project was an older mini-warehouse facility. The item had been continued a number of times and the current proposal was for the auto service facility. The previous proposal containing the cellular communication tower was removed. With the application, the applicant was in compliance with the required parking for the use and the site. The applicant was not requesting any waivers of the Design Standards. The concern with the design was that the applicant was proposing to have major modifications to one existing building, currently listed as Building D. They want to reduce the existing width of the building from 40 feet to 21 feet and use the existing 21 foot building as the auto service facility. There was concern that the 21 foot wide facility was not large enough to accomplish the use and, therefore, vehicles that were being worked on would protrude into the required drive isle. Without any other competing design that could be used, and since the center was designed as a mini-warehouse, and the applicant had not sufficiently shown a way for the auto service facility to exist on the site, Staff was recommending denial.

The applicant was not present for comment.

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

Chairman Brown closed the Public Hearing.

ACTION: DENIED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

13. UN-25-08 (34400) LAS VEGAS PAVING DISPATCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS PAVING CORPORATION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW TWO (2) TEMPORARY BUILDINGS. THE PROPERTY IS LOCATED AT 3401 NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-704-004. (CONTINUED MARCH 26 AND APRIL 9, 2008)

The application was presented by Robert Eastman, Principal Planner who explained the applicant requested that the trailers be permitted for three years; however, temporary buildings were only allowed one year time limits, so the applicant would be required to get extensions of time as they were permitted. Staff did not have a problem with the proposed temporary office trailers. The site plan submitted seemed adequate; therefore, Staff was recommending that UN-25-08 be approved with Condition No. 5 amended to read: "That UN-25-08 shall expire on April 23, 2009." The original recommended conditions are as follows:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. The development of this site shall be in compliance with the Industrial Development Standards and Design Guidelines, unless otherwise noted or deferred herein.
3. That the temporary trailers shall be generally located as indicated on the site plan, unless otherwise approved by staff.
4. That the trailers cannot be open for business until such time that a building permit is issued for temporary buildings.
5. That UN-25-08 shall expire on March 26, 2009.
6. That all parking stalls shall be paved and stripped accordingly.
7. That a drainage study waiver application be submitted to Public Works Development & Flood Control Division.
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. Dedication of the following streets, and/or half streets, is required:
 - a. Additional 25' for North 5th Street
 - b. Goldfield Street - 30'

10. The property owner shall sign a restrictive covenant for offsite improvements on Goldfield Street.
11. Trailers shall meet the requirements of Accessibility per 2006 IBC Chapter 11, & 2003 ICC/ANSI A117.1, including site access to/from the public way. Accessible parking facilities, including van accessible, shall be provided.
12. A looped water system may be required for fire protection, subject to review and approval of the Utilities Department.
13. The developer shall provide a meter and backflow prevention per building/trailer per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
14. The developer shall provide a 6" sewer lateral per building/trailer per the Design and Construction Standards for Wastewater Collection Systems.
15. Submittal of a Hydraulic Analyses per the "Uniform Design and Construction Standards for Potable Water Systems" (UDACS) and calculations for Wastewater Flows will be subject to review and approval of the Utilities Department.
16. A Civil Improvement plan set must be submitted for review and approval.

The applicant was not present for comment

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 5 AMENDED TO READ:

5. THAT UN-25-08 SHALL EXPIRE ON APRIL 23, 2009.

MOTION: Commissioner Aston

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

14. **VAC-03-08 (34519) VACATION OF ROW (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SOUTHERN NEVADA OPERATING ENGINEERS JATC, INC., PROPERTY OWNER, TO VACATE THE SOUTHERN TEN (10) FEET OF ANN ROAD BETWEEN MT. HOOD STREET AND HOLLYWOOD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 123-34-501-001. (CONTINUED APRIL 9, 2008)**

The application was presented by Marc Jordan, Planning Manager who explained when the property was located in the County, the area was designated as a 100 foot right-of-way, but when it was annexed into the City, the City's Master Plan of Streets and Highways showed it as an 80 foot right-of-way; therefore, the additional 20 feet, 10 on each side, was no longer required. The applicant was requesting that the 10 feet adjacent to the property be vacated. Staff was recommending that VAC-03-08 be approved. In a meeting with Public Works earlier in the day, they indicated that Condition Nos. 1, 2 and 3 were being deleted from the recommendation. The original recommended conditions are as follows:

1. Approval of a drainage study is required prior to submittal of the civil improvement plans.
2. Construction of half street improvements for Hollywood Boulevard, Mt. Hood Street and Ann Road.
3. A public utility easement shall be reserved over the entire area to be vacated.
4. **The vacation shall record prior to approval of the civil improvement plans.** Should the Order of Vacation not record within two years of the City Council Commission approval date, the vacation shall be deemed null and void.
5. Any City of North Las Vegas Utility Department appurtenances or structures within this 10' wide area to be vacated shall be relocated into the new right-of-way at the developers expense.

Michael Urban, 4270 South Decatur Boulevard #A, Las Vegas, NV 89103 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 NOS. 1, 2 AND 3; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

Commissioner Dean Leavitt announced Angelo Carvalho would be arriving at McCarran Airport that evening.

ADJOURNMENT

The meeting adjourned at 6:55 p.m.

APPROVED: May 28, 2008

/s/ Steve Brown
Steve Brown, Chairman

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