

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

July 23, 2008

PRESENTATION: 5:10 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

Presentation by Jay Renkins of Moore Iscafano and Goltsman (MIG) on the Downtown Master Plan/Investment Strategy.

BRIEFING: 5:40 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:02 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

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

STAFF PRESENT: Frank Fiori, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Paul Yadro, Planner
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Vidya Medisetty, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Louise Steeps, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Angelo Carvalho

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Steve Brown

Item No. 5 was heard next.

PUBLIC FORUM:

There was no public participation.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING
OF JUNE 25, 2008**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **GED-04-08 (35943) SILVER NUGGET GAMING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SILVER NUGGET GAMING LLC, PROPERTY OWNER, FOR A PETITION TO ALLOW AN EXPANSION TO AN EXISTING GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED SOUTH OF NORTH LAS VEGAS BOULEVARD AND APPROXIMATELY 900 FEET WEST OF CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-23-601-025.**

The application was presented by Marc Jordan, Planning Manager who explained the property was located within the Redevelopment Casino Hotel Entertainment Subdistrict. Previously, it was recommended by the Commission to expand the GED, which was approved by City Council on September 5, 2007. The current application was to add another portion to that GED. The applicant submitted the necessary items to Staff for review, which was routed to the various departments. There has been no objection expressed by the departments. The applicant was in compliance with NRS requirements and Staff was recommending approval of GED-04-08.

Paul Larsen, 300 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant indicating the present application was a continuation of GED-01-07, which was approved by City Council on September 5, 2007. He submitted transcripts of that meeting along with the Action Report and Minutes. City Council made factual findings that the applicant had presented by clear and convincing evidence for expansion of a Gaming Enterprise District. The present application was a follow-on item to the previous application. He explained it was the same project and the impacts would not vary. He showed a view of the site and explained what was proposed, indicating there was an addition to the project and was not expanding the original project approved in GED-01-07, but was adding additional land that would be used for parking and possibly something else in the future. Because the project was the same, he felt the factual findings made by City Council for GED-01-07 on September 5, 2007, were applicable and requested any motion for approval of the application, include incorporation of those minutes and transcripts as part of the findings for this application.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

Mr. Larsen clarified that the motion included incorporation of the transcript and minutes from the September 5, 2007 City Council meeting.

Commission Shull indicated it did.

2. UN-68-08 (35940) NORTH VALLEY SMOG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROBERT E. LANG ON BEHALF OF CENTENNIAL DEVELOPMENT, 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 WEST OF COMMERCE STREET AND APPROXIMATELY 200-FEET SOUTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-27-115-015.

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated the hours of operation would be from 8 a.m. to 6 p.m. Monday through Saturday and if warranted, it would also be opened on Sunday. The applicant was proposing a 10 foot by 10 foot stand alone structure. The only objection by Staff was that the building proposed was to be constructed with T-111 siding and asphalt shingle roof. He explained the commercial center was not constructed with those materials and the proposed materials were not consistent with the Commercial Design Guidelines; therefore, Staff was recommending that it have a stucco exterior and that the roof either be a parapet type design or tile consistent with the existing commercial center and be painted to match. Staff was recommending approval of UN-68-08 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Development of the site shall comply with the Commercial Development Standards and Design Guidelines including but not limited to the following;
 - a. The building must have a stucco facade with either a parapet wall and or concrete tile roofing to match the Commercial Center.

Robert Lang, 6335 North Grand Canyon Drive, Las Vegas, NV 89149 appeared on the application indicating he concurred with Staff recommendation. He asked if he needed to request four contiguous parking spaces from the landlord and move the location of his building.

Mr. Jordan explained the applicant was required to provide two spaces per stall but not less than four spaces total. The applicant should be able to meet parking requirements when the center was considered as a whole.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

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

3. **VAC-08-08 (35870) CENTENNIAL VILLAGE PHASE II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL, ON BEHALF OF CENTENNIAL VILLAGE, LLC, PROPERTY OWNER, TO VACATE AN INGRESS/EGRESS DRIVEWAY LOCATED SOUTH OF ROME BOULEVARD AND APPROXIMATELY 320 FEET EAST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-24-414-001.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated they would install a new driveway to the east that would accommodate for delivery service. Staff had no objection and was recommending approval of VAC-08-08.

Jennifer Roberts, 8350 West Sahara Avenue, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

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

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

4. UN-08-08 (35955) DUNKIN DONUTS @ LOSEE PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KAINOS PARTNERS LAS VEGAS LLC, ON BEHALF OF ANN LOSEE PAD LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT ALLOWING A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-816-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting to delete Condition No. 3 which stipulated that speakers be located on the south elevation of the building. Presently, on the site plan, they were proposing to locate the speakers for the drive-thru lane on the west side of the building. Staff was recommending denial of the request to amend the use permit, as the property to the west was zoned for residential and has been mapped as such. The purpose of prohibiting the speaker on the west side of the building was so that noise from the speaker would not disturb the future residents. The applicant indicated they would turn the speaker down between the hours of 10 pm and 5 am; however, because this was a city that operated in shifts, there was a probability that some residents would be day sleepers; therefore, if the speaker was loud, it could disturb residents. Staff was recommending denial of UN-08-08; however, should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Must comply with all conditions of approval for ZN-35-03.
3. A "one way" speaker/menu board or a telephone is allowed on the west elevation of the building.
4. The drive aisle on the west side of the building adjacent to the drive-through shall only allow for one-way, southbound through movements of vehicles only. Signage and striping shall be provided.
5. The developer will be required to construct a raised median that will prohibit northbound through movements into the one way drive aisle adjacent to the drive-through. Signage and striping shall be provided at the exit of the southbound drive aisle to further prohibit the northbound through movements. The design of the improvements will be subject to review and approval of the City Traffic Engineer.

6. The installation of security lighting and cameras shall be provided due to the alley type drive-thru.

Don DeMichele, 7860 West Sahara Avenue, Suite 170, Las Vegas, NV 89117 appeared on behalf of the applicant indicating when the application was originally approved, he did not fully understand the process and when he had indicated the menu board would be located on the west side of the building, because if it was put on the east side, there was not room for a vehicle to order and then pick-up, he did not realize he should have requested to amend Condition No. 3. He explained the menu board would be 51 feet from the block wall and indicated the decibel level would be limited to 50. He explained the decibel level would drop to approximately 33 in 50 feet. Most of the speakers would be limited to 50 decibels and would drop to below 30 by the time the sound got to 50 feet out and then there was a wall and trees to buffer the noise. He stated the speaker could be turned off at night from 10:30 p.m. to 5:30 a.m and asked that Condition No. 3 be amended to allow a speaker board on the west side of the building and be limited to 50 decibels.

Commissioner Jay Aston confirmed the applicant was willing to shut the speaker off from 10 p.m. to 5 a.m.

Mr. DeMichele responded that was correct.

Commissioner Aston indicated he would consider that option and suggested it be a condition of approval. Commissioner Aston asked the applicant the normal decibel level of the speaker.

Mr. DeMichele responded it was usually 60 decibels, but he was willing to lower it to 50.

Commissioner Steve Brown asked what the Code was for this type of item.

Mr. Jordan responded Code dictated there could not be more than 65 decibels at the property line. He suggested Condition No. 3 be amended to read: "Speaker noise shall not exceed 36 decibels at the property line; otherwise, a "oneway" speaker/menu board or telephone must be installed on the west elevation of the building". Condition No. 7 would be added to read: "Menu speaker shall be turned off during the hours of 10 p.m. to 5 a.m."

Commissioner Dilip Trivedi agreed with the applicant's argument in favor of moving the speaker box but asked how the sound level would be enforced.

Mr. DeMichele stated he would meet the condition of 36 decibels, but if he were to get a complaint, they would lower the decibels. He pointed out the store at Ann Road and Simmons Street if you were standing 10 feet from the speaker, you could barely hear it.

Chairman Angelo Carvalho agreed with Commissioner Aston.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 3 AMENDED AND CONDITION NO. 7 ADDED TO READ:

3. SPEAKER NOISE SHALL NOT EXCEED 36 DECIBELS AT THE PROPERTY LINE; OTHERWISE, A "ONEWAY" SPEAKER/MENU BOARD OR TELEPHONE MUST BE INSTALLED ON THE WEST ELEVATION OF THE BUILDING.
7. THE MENU SPEAKER SHALL BE TURNED OFF DURING THE HOURS OF 10 P.M. TO 5 A.M.

MOTION: Commissioner Aston

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

Item No. 6 was heard next.

5. **UN-59-08 (35489) TURN-KEY TELECOM, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TURN-KEY TELECOM, LLC, ON BEHALF OF INTERNATIONAL SMELTING COMPANY, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW A 100-FOOT TOWER AND TELECOMMUNICATION FACILITY; AND TO ALLOW THE TOWER TO BE LOCATED 48 FEET NORTH AND 51 FEET EAST FROM A RESIDENTIAL ZONED PROPERTY WHERE 200 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ELAINE STREET AND WITTIG AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-22-101-009.**

It was requested by the applicant to continue UN-59-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

Item No. 15 was heard next.

6. UN-65-08 (35915) CUARA ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PATRICIA CUARA, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A SINGLE-FAMILY DWELLING. THE PROPERTY IS LOCATED AT 2333 BASSLER STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-24-110-154.

The application was presented by Paul Yadro, Planner who explained the applicant added an addition onto an existing single-family home, which triggered the need to bring the property into conformance with Title 17; therefore, there was a request for a special use permit. Staff was recommending approval of UN-65-08 with the deletion of Condition No. 4 as it was not needed. The applicant was subject to the Municipal Code; therefore, Condition No. 4 had no bearing. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Single-Family Design Guidelines including but not limited to:
 - a. That the body and trim finish and roof materials of the dwelling unit shall be beige, tans, earth tones, warm pastels or neutral colors indigenous to the Las Vegas Valley and its surrounds; and
 - b. All new exterior air conditioning units shall be ground mounted and screened from public streets;
 - c. All sides of a dwelling shall have pop-outs or other architectural detailing around windows, entrance doors, and sliding glass doors.
3. All areas intended for parking space and driveways shall be paved with concrete or asphaltic concrete.
4. Only classic vehicles shall be stored in the rear yard. All other vehicles shall be stored or removed as determined by Code Enforcement.
5. The plans for the existing addition shall meet the 2006 International Building Code, 2005 National Electric Code, 2006 Uniform Plumbing Code, 2006 Uniform Mechanical Code and the 2006 Southern Nevada Amendments requirements.

Patricia Cuara, 2333 Bassler Street, North Las Vegas, NV 89030 indicated she concurred with Staff recommendation.

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

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

7. **SPR-24-08 (35958) GREEN VALLEY GROCERY. AN APPLICATION SUBMITTED BY SCOPE DEVELOPMENT ON BEHALF OF SCOPE CAMINO AL NORTE, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT CONSISTING OF AN APPROXIMATE 25,100-SQUARE-FOOT COMMERCIAL/RETAIL CENTER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-601-011.**

The application was presented by Marc Jordan, Planning Manager who explained a site plan was previously approved for the same center, which was granted a waiver from the Commercial Design Standards that did not require the applicant to orient one of the buildings (previously a pharmacy) to the street corner. With the current application, the applicant was requesting the same waivers, that the buildings not be oriented to the street corner or to the street frontage. Staff was recommending approval of the waivers, as it would be consistent with the bank which currently existed on the site. The applicant was proposing two new commercial buildings that would be part of the application and they were proposing use permits for a convenience food restaurant, a convenience food store with gas pumps and a self-service drive-thru car wash that would be part of the convenience store. In reviewing the site plan, Staff was requesting a few changes. There was a transformer located on the north side of Retail A which was being requested to be relocated so the applicant could comply with parking lot landscaping at the end of the parking rows and a trash enclosure located south of Retail A was being requested to be relocated. Staff was also requested the trash enclosure by the fast food restaurant be relocated and then to comply with all of the landscaping in the parking lot, some of the pedestrian pathways would need to be adjusted slightly to ensure there was still landscaping within those areas. Staff was recommending approval of SPR-24-08 with the deletion of Condition No. 4, which required pedestrian access to the residential development to the west; but, because that was developed and there was rip rap and a wall there, it was not reasonable to request the applicant to provide access on property they did not own. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. A decorative wall and/or landscape berm must be provided along all street fronts to prevent headlights from shining onto adjacent rights-of-way. The wall and/or berm shall be a minimum three feet (3.00') above the finished

- grade of the nearest on-site parking stalls or drive aisles. All walls and berms shall be identified on the Civil Improvement Plans, and Landscape Plans (i.e., Building Plans.)
- b. ADA pedestrian access paths shall be provided from the sidewalk along Washburn Road to the primary customer entrances of Retail A, Retail B and the "C-Store."
 - c. A minimum 300 square feet of pedestrian plaza area shall be provided in a centrally-located area conveniently accessible from all areas of the development. (The site currently identified adjacent to the north side of the bank is not acceptable.) Any area specifically intended for any particular use (e.g., outdoor dining area for a restaurant, etc.) will not be acceptable.
 - d. Access to all roofs shall be from within the buildings. Exterior roof ladders are not allowed.
 - e. Provide foundation landscaping, or a suitable alternative, along each facade featuring a public entrance that abuts a drive aisle or parking stall(s).
 - f. Exterior downspouts are not allowed. All downspouts shall be located inside the walls or appropriately screened by architectural embellishments.
 - g. A landscape island shall be located at each end of all rows of parking. The landscape island shall be a minimum six feet in width and shall contain at least one 24" box tree per car length, and adequate shrubs to provide a minimum 60% ground cover within two years of issuance of the Certificate of Occupancy.
 - h. The sidewalk along Washburn Road, unless installed by July 23, 2008, shall be separated from the back-of-curb by a minimum five feet of landscaping, and shall meander.
 - i. The sidewalk along Camino Al Norte, unless installed by July 23, 2008, shall maintain a minimum five-foot (5.00') setback from the property line (i.e., right-of-way), and shall meander.
3. The development shall comply with the Commercial Design Guidelines and Development Standards, with the following exception:
 - a. None of the buildings are required to be located at the front minimum setback lines and parking may be located between the buildings and the front perimeter landscape areas.

4. An ADA-accessible route shall be provided through, or adjacent to, the storm drain to the west of the bank. The pedestrian route shall connect the on-site internal pedestrian access path to the sidewalk within the residential development. The path may include deterrents (e.g., bollards, chicanes, stamped concrete, pavers, etc.) to discourage, or prohibit, motorized vehicles from traversing the accessway.
5. Provide two (2) bicycle parking spaces within 100 feet of the primary entrances of each building. A typical bicycle parking space shall be at least 6 feet long by 2 feet wide. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. Bicycle parking facilities shall not interfere with pedestrian accessways or be in-lieu of required landscaping.
6. Pedestrian accessways shall not interfere with, or be in-lieu of, required landscaping, including but not limited to landscape islands at the ends of parking rows.
7. All internal pedestrian accessways shall be clearly delineated by the use of pavers and / or decorative, dyed and stamped concrete.
8. The trash enclosure currently identified near the southeast corner of Retail A building shall be relocated away from the street front. It is recommended to be located to the west of Retail B and south of the transformer that is located at the northwest corner of Retail B.
9. The transformer located at the northeast corner of Retail A shall be relocated to the west side of Retail A.
10. Wheel-stops shall be placed within all parking spaces that abut a sidewalk, plaza area or pedestrian accessway.
11. The existing wall between the residential development and the proposed commercial site shall be painted to match / complement the colors approved for the commercial center.
12. Some form of lighting (e.g., wall-packs, sconces, etc.) shall be provided for the areas to the north and west of Retail A.
13. A "Master Set" of landscape and irrigation plans shall be provided for the areas adjacent to the residential property lines and adjacent to the rights-of-way. The plans shall be submitted with the first building permit application packet. All landscape areas identified on the Master Set shall be installed prior to the issuance of the first Certificate of Occupancy for the site.

14. A uniform sign program for the entire commercial center shall be reviewed and approved prior to issuance of the first building permit.
15. The applicant shall submit a traffic study update for review and approval.
16. Approval of a drainage study is required prior to submittal of the civil improvement plans.
17. The size and location of all proposed drainage facilities and easements are to be determined in the Technical Drainage Study.
18. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
19. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
20. The easterly driveway on Washburn Road shall align with opposing driveway across the street.
21. A minimum of five stacking spaces shall be provided behind the 'ordering box' for the fast-food restaurant drive-thru's and at the entrance for the car wash. Stacking shall not intrude into drive aisles.
22. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Camino Al Norte.
23. The property owner is required to grant a roadway easement for commercial driveway(s).
24. 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.
25. A revocable encroachment permit for landscaping within the public right of way is required.
26. The property owner is required to sign a restrictive covenant for utilities.
27. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.

28. 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.
29. 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.
30. All off-site improvements must be completed prior to final inspection of the first building.
31. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
32. There shall be security lighting installed outside, and above the rear door of the stores, subject to review and approval by the Police Department during the review of the building permit application(s).
33. The trash enclosure gates shall be hung approximately 8" from the ground to allow visibility into the enclosure.

Jennifer Lazovich 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 and the deletion of Condition No. 4. She informed the Commission they held a neighborhood meeting and there was one neighbor in attendance who was supportive of the project and was mainly interested in the type of trees and landscape buffer planned.

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

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

8. **T-1321 (35910) CAMINO AL NORTE AND WASHBURN. AN APPLICATION SUBMITTED BY SCOPE DEVELOPMENT ON BEHALF OF SCOPE CAMINO AL NORTE LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT FOR A ONE (1) LOT COMMERCIAL SUBDIVISION CONSISTING OF APPROXIMATELY 5.61 ACRES. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-601-011.**

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending approval of T-1321 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of this site shall comply with all conditions of SPR-24-08.
3. The site shall maintain interconnected drive aisles, shared access and reciprocal parking through the proper recording of all related documents. The documents shall be submitted and recorded through the Department of Public Works prior to approval of the Civil Improvement Plans or recording a final map, whichever is first.

Jennifer Lazovich 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: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

9. UN-71-08 (35961) GREEN VALLEY GROCERY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SCOPE DEVELOPMENT ON BEHALF OF SCOPE CAMINO AL NORTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-601-011.

The application was presented by Marc Jordan, Planning Manager who explained the proposed restaurant was located north of the proposed convenience store, which would be directly west of Camino El Norte. There were only minor changes noted by Staff, where the trash enclosure and transformer were to be relocated to comply with the landscaping at the end of the parking rows and to relocate the trash enclosure for future pick up by Republic Services. He indicated there was one letter of opposition on file from Walter Emery with the Emery Family Living Trust. Staff had no objection to the application and was recommending approval of UN-71-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. This development shall comply with all conditions of SPR-24-08 and T-1321.
4. The trash enclosure shall be relocated to the western end of the row of parking along the south side of the building (i.e., drive-through lane.)
5. Landscaping shall be provided along each side of the drive-through lane, with the exception of where the pick-up window is located. Within areas less than six feet (6.00') in width, shrubs of a size, quantity and species sufficient to provide a minimum 60% coverage within two years of the issuance of the Certificate of Occupancy shall be planted.
6. The pedestrian accessway connecting the proposed restaurant with Camino Al Norte and the "C-Store" to the south shall be reconfigured to allow for landscaping to be provided in accordance with code requirements. Pedestrian accessways shall not be in-lieu of required landscaping.
7. If there is a grade difference of two feet (2.00') or more between the surface of the drive-through lane and the row of parking adjacent to the south, then a decorative screen wall (approximately three feet in height, as measured from the drive-through lane) shall be provided along the south side of the drive-through lane.

8. The ordering box shall be adjacent to the south side of the building.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

10. UN-72-08 (35960) GREEN VALLEY GROCERY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SCOPE DEVELOPMENT ON BEHALF OF SCOPE CAMINO AL NORTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-601-011.

The application was presented by Marc Jordan, Planning Manager who explained minor modifications were being requested regarding landscaping within the parking lot. Staff was recommending approval of UN-72-08 with the deletion of Condition No. 7 requiring the applicant to relocate the pedestrian access. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. This development shall comply with all conditions of SPR-24-08 and T-1321.
4. If a "vacuum and detail" station is provided, it shall be located within the row of parking facing Washburn Road and south of the convenience store/carwash building. The vacuums shall be limited to not more than two and shall not be located within the front setback area. A trash receptacle shall be provided next to the vacuum(s).
5. If a canopy is provided for the "vacuum and detail" station, it shall be constructed using the same materials, colors and design of the approved elevations for the commercial center (SPR-24-08.) If additional lighting is proposed under the canopy, it shall be recessed can lights that direct the light downward, and the lights shall be included on the Photometric Lighting Plan. No signage will be allowed on the canopy. The canopy shall be part of the building permit for the carwash.
6. The "islands" guiding traffic into and out of the carwash shall be a minimum six feet in width and shall be landscaped. In addition to the required shrubs, each island shall contain at least one 24" box tree.
7. The pedestrian accessway between the convenience store ("C-Store") and the "Retail B" building shall be located across the entrance of the carwash, and not across the exit.
8. Landscaping shall be provided along the west side of the carwash. The landscape

area shall be a minimum six feet in width and may be planted with shrubs only. Twenty-four-inch box trees are not required for this planting bed.

9. The carwash shall be a facility suitable for which the Southern Nevada Water Authority would issue coupons.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 7

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

11. UN-73-08 (35959) GREEN VALLEY GROCERY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SCOPE DEVELOPMENT ON BEHALF OF SCOPE CAMINO AL NORTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-601-011.

The application was presented by Marc Jordan, Planning Manager who explained there were minor concerns with the site plan, one of the major ones being that the foundation landscaping at the entrance to the building was not shown on the plan and it appears there was plenty of room to provide it; therefore, it was considered a minor change. Mr. Jordan pointed out there was one letter in opposition to the application. Staff was recommending approval of UN-73-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. The applicant shall demonstrate compliance with the foundation landscaping requirements. The documents shall be reviewed and approved by the departments of Planning & Zoning, Fire and Public Works prior to submittal of the Civil Improvement Plans or Building Plans, whichever occurs first.
4. This development shall comply with all conditions of SPR-24-08 and T-1321.
5. The gas canopy shall be constructed to match the approved elevations for the commercial center (SPR-24-08) in colors, materials and design. All lighting under the canopy shall be recessed can lights that direct light downward. The lighting under the canopy shall be included in the Photometric Lighting Plan. The canopy shall be included as part of the building permit for the convenience store.
6. The number of gas pumps shall be limited to six, as identified on the site plan.
7. The 300-square-foot (minimum) pedestrian plaza area set aside for the 5.61±-acre commercial site shall be reviewed and approved by the Planning & Zoning Department prior to the issuance of a building permit for the convenience store.

Jennifer Lazovich 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. She added the intended occupant of the building was Green Valley Grocery, who intended to sell beer and wine. A survey was submitted showing there were no churches, schools, daycare centers or parks within 400 feet of the proposed establishment.

Commissioner Dilip Trivedi asked the applicant if there were other tenants lined up for the center.

Ms. Lazovich responded no other tenants had been confirmed for the site.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

12. UN-66-08 (35944) CHEYENNE COMMERCE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NLV TEQUILA BOTTLING LLC, ON BEHALF OF HARSCH INVESTMENTS PPTYS-NV LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (8,000 GALLONS OF TEQUILA PER MONTH) IN CONJUNCTION WITH A BOTTLING AND DISTRIBUTION FACILITY. THE PROPERTY IS LOCATED AT 720 WEST CHEYENNE AVENUE, SUITE B-80. THE ASSESSOR'S PARCEL NUMBER IS 139-10-401-006.

The application was presented by Paul Yadro, Planner who explained the proposed material was a flammable liquid in accordance to the Fire and Building Codes, so a special use permit was required. One letter of opposition was received with nine signatures on an attached petition. Staff was recommending approval of UN-66-08 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. That the special use permit is site specific and non-transferable.
3. That any expansions to the proposed use shall be subject to City Council review and approval.
4. A Water Network Analysis must be submitted and approved by the Utilities Department.
5. Based upon the analysis, the applicant may be required to up size the meter and associated appurtenances, and incur all applicable fees.
6. A Hazardous Materials Management Plan (HMMP) is required to be approved by the City prior to the start of business.
7. The occupancy of this type will require a change of use from a B/ S1 to an B/H/S1, which requires a fire resistive type of construction and it would have to comply before the business is allowed to start. Also must comply with the adopted codes, 2006 International Building Code, 2006 Uniform Plumbing Code, 2006 Uniform Mechanical Code, 2005 National Electrical Code, and the 2006 Southern Nevada Amendments.

Kathleen Janssen, 3883 Howard Hughes Parkway, Las Vegas, NV appeared along with the applicant **Francisco Gonzales, NLV Tequila Bottling LLC, 6780 Paradise Road, Las Vegas, NV 89119.** Ms. Jansen indicated they concurred with Staff recommendation.

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

Chairman Carvalho closed the public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

13. UN-70-08 (35953) P52 EXPANSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KEVIN REISCH-MILLER ARCHITECTURE ON BEHALF OF MISSION OF NEVADA INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 12,800-SQUARE-FOOT EXPANSION TO AN EXISTING DRY CLEANING FACILITY. THE PROPERTY IS LOCATED AT 225 WEST CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-501-011.

The application was presented by Paul Yadro, Planner who explained Staff had a few concerns regarding parking and the Fire Department changed their recommendation from continuance to approval. Staff was recommending approval of UN-70-08 with the deletion of Condition Nos. 9, 11 and 12 and Condition No. 16 amended to read: "Fire access lanes shall be located and designed per the Fire Code, or an alternate material and method shall be provided as approved by the Fire Chief." The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the special use permit is site specific and non-transferable.
3. Submit a detailed parking analysis for review and approval of the City Traffic Engineer.
4. Submit a detailed landscape plan showing 24-inch box trees placed at fifteen (15) foot intervals at the center along the perimeter landscape area on Carey Avenue. All landscape areas must be provided with a minimum ground coverage of sixty (60) percent, which shall be achieved within two years after a Certificate of Occupancy is issued.
5. The applicant shall submit a traffic study update for review and approval.
6. Entry on Carey Avenue shall provide a minimum of sixty feet between property line and gate.
7. Due to the size of the site, this development may be eligible for a drainage study waiver. Please complete and submit waiver application to Public Works Development & Flood Control Division (Mark Escobedo @ 633-1912 or Kent Chang @ 633-2771). Applications may be found on the City of North Las Vegas website (<http://www.cityofnorthlasvegas.com/About/Forms.shtm>)

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. General Provisions and Conditions of the "City of North Las Vegas Water Service Rules and Regulations" be adhered to.
14. A Civil Improvement plan set must be submitted for review and approval.
15. An Hydraulic Analyses per the "Uniform Design and Construction Standards for Potable Water Systems" (UDACS) and calculations for Wastewater Flows must be submitted and approved by the Utilities Department.
16. Fire access lanes shall be located and designed per the fire code.
17. Fire access lanes shall be marked to prohibit parking per the Fire Code.

Kevin Reisch, Miller Architecture, 2800 West Sahara Avenue, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommended conditions with the exception of Condition No. 10. He explained the building addition was behind the 225 West Carey Avenue address. The site was three parcels that were now one contiguous piece. On Carey Avenue there were currently high transmission lines in the sidewalk and there were overhead power lines on all three sides of the site and it would be a huge burden to change the lines.

Jennifer Doody of Public Works suggested adding to the end of Condition No. 10, "if impacted by development of the site", because the lines only have to be put underground if the poles are impacted.

Mr. Reisch agreed with the amendment to Condition No. 10.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 9, 11 AND 12 AND CONDITION NOS. 10 AND 16 AMENDED TO READ:

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, IF IMPACTED BY DEVELOPMENT OF THE SITE.
16. FIRE ACCESS LANES SHALL BE LOCATED AND DESIGNED PER THE FIRE CODE, OR AN ALTERNATE MATERIAL AND METHOD SHALL BE PROVIDED AS APPROVED BY THE FIRE CHIEF.

MOTION: Commissioner Aston

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

14. **ZN-22-08 (35945) KAPEX INDUSTRIAL PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INDUSTRIAL PROPERTIES DEVELOPMENT INC, ON BEHALF OF KAPEX LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN O-L, OPEN LAND DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED WEST OF GRAND VALLEY AND APPROXIMATELY 1,300-FEET SOUTH OF US HIGHWAY 93. THE ASSESSOR'S PARCEL NUMBERS ARE 103-21-000-004 AND 103-16-000-004.**

The application was presented by Paul Yadro, Planner who explained the property was recently annexed under Ordinance No. 2454. Staff had no issues with the zone change request as it was in concert with the current Master Plan that exists at the Kapex site. Staff was recommending that ZN-22-08 be approved.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

Item No. 19 was heard next.

15. **T-1322 (35946) KAPEX INDUSTRIAL PARK PHASE II. AN APPLICATION SUBMITTED BY INDUSTRIAL PROPERTIES DEVELOPMENT INC, ON BEHALF OF KAPEX LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT AND O-L, OPEN LAND DISTRICT (PROPOSED M-2, GENERAL INDUSTRIAL DISTRICT) FOR A ONE (1) LOT INDUSTRIAL SUBDIVISION CONSISTING OF APPROXIMATELY 2,800 ACRES. THE PROPERTY IS LOCATED WEST OF GRAND VALLEY AND APPROXIMATELY 1,300-FEET SOUTH OF US HIGHWAY 93. THE ASSESSOR'S PARCEL NUMBERS ARE 103-16-000-004 AND 103-21-000-004.**

It was requested by the applicant to continue T-1322 to August 27, 2008.

ACTION: CONTINUED TO AUGUST 27, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

16. **ZN-21-08 (35924) PROJECT HOTEL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LASER DEVELOPMENT ON BEHALF OF CASINO HOLDING GROUP LLC, ET AL, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN O-L, OPEN LAND DISTRICT TO A C-2, GENERAL COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND LINN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-501-005, 123-28-501-006, 123-28-501-007 AND 123-28-501-008.**

It was requested by the applicant to continue ZN-21-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

17. **VAC-09-08 (35950) PROJECT HOTEL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LASER DEVELOPMENT ON BEHALF OF CASINO HOLDING GROUP LLC, ET AL, PROPERTY OWNER, TO VACATE A PORTION OF CASTLEBERRY LANE BETWEEN CENTENNIAL PARKWAY AND I-15; AND A PORTION OF LINN LANE BETWEEN CENTENNIAL PARKWAY AND I-15. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-501-005, 123-28-501-006, 123-28-501-007 AND 123-28-501-008.**

It was requested by the applicant to continue VAC-09-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

18. **UN-67-08 (35947) PROJECT HOTEL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LASER DEVELOPMENT ON BEHALF OF CASINO HOLDING GROUP LLC, ET AL, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN O-L, OPEN LAND DISTRICT (PROPOSED C-2, GENERAL COMMERCIAL DISTRICT) TO ALLOW A HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND LINN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-501-005, 123-28-501-006, 123-28-501-007 AND 123-28-501-008.**

It was requested by the applicant to continue UN-67-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

Item No. 21 was heard next.

19. **ZOA-08-08 (35937) INSITE TOWERS (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY INSITE TOWERS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.24.165, FOR AN AMENDMENT TO ALLOW MULTIPLE STEALTH TELECOMMUNICATION TOWERS (I.E. TWO OR MORE PALM TREE OR PINE TREE TOWERS) TO BE CLASSIFIED AS ONE FACILITY AT ONE SITE LOCATION; AND TO PROVIDE FOR OTHER MATTERS PROPERTY RELATED THERETO.**

The application was presented by Robert Eastman, Principal Planner who explained the zoning ordinance currently does not allow multiple-tower facilities on a single site. The zoning ordinance was written to allow only one tower per site and also there was a 750 foot separation between each individual tower. The applicant was requesting that multiple towers be allowed on each site and were proposing stealth towers. With the proposal they are requesting exceptions to the separation requirement currently in the Code and an exception to the co-location requirement in the Code. Staff feels there needs to be some additional language regarding the design of the site and also have concerns regarding the number of towers and prefer to have a greater separation between each of the multiple tower facilities. Staff was also recommending that the towers be separated by 1500 feet instead of the 700 as currently listed in the Code. Staff was also proposing to limit the number of existing poles or proposed poles in residential districts. Currently, in residential districts, single towers are allowed by right, if on City owned property, or Utilities. Staff feels a cell tower, if located within a residential district, should be required to have a special use permit and a public hearing for public input should be required and were recommending that the language be added. Staff was recommending ZOA-08-08 be approved and forwarded to City Council with the following amendments:

Italics = additions to the ordinance. ~~Struck-out~~ = deletions from the ordinance.

17.24.165 Telecommunication Towers and Facilities Regulations

B. Definitions

“Multiple Tower Facility” means a single parcel that contains more than one, but no greater than five telecommunication towers with supporting structures designed to enhance compatibility with adjacent land uses constructed using stealth methods.

C. Tower/Telecommunication Facility Development Approval.

2. Application

- I. ***A multiple tower facility shall also include a notarized affidavit stating that there is not another multiple tower facility within one thousand and five hundred feet (1500').***

E. Permitted Uses/Administrative Site Plan Review

1. A tower **or multiple tower facility** is a permitted use in the following zoning districts:
 - a. M-1
 - b. M-2
 - c. M-3
 - d. C-2; or
 - e. C-3

2. A tower is a permitted land use upon the following types of property:
 - a. City-owned property - ***In non-residential districts***
 - b. Public facilities - ***In non-residential districts***
 - c. Public utility substations - ***In non-residential districts***

F. General Requirements / Design Standards

1. Tower Height
 - a. Limitation. Except as otherwise provided in this chapter, no tower shall be approved with a height in excess of one hundred feet (100').

 - b. Individual towers within a multiple tower facility shall contain varying heights, with a minimum of ten feet of variation. No more than two towers shall have the same height.***

 - c. Method of determining tower height. Measurement of tower height for the purpose of determining compliance with all requirements of this chapter shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.

3. Separation Requirements.
 - a. No tower shall be located within seven hundred fifty feet (750') of another tower. Distance shall be measured in a straight line from the proposed tower to the existing towers.

 - b. No Multiple Tower Facility shall be located no closer than one thousand five hundred feet (1500') from another Multiple Tower Facility.***

- c. Exceptions. **(i)** Rooftop mounted telecommunication facilities completely screened from view are excepted from this separation requirement. **(ii) Individual towers within a Multiple Tower Facility are excepted from the required 750' separation requirement.**
4. Antenna Array Requirements.
 - a. All towers shall accommodate more than one antenna array. Towers greater than sixty feet (60') measured from grade elevation accommodate at least three antenna arrays. Towers approved by the Planning Commission for heights greater than one hundred feet (100') from grade must accommodate at least five antenna arrays.
 - b. Exception: Multiple tower facilities that create a cluster effect that will visually reduce the out of character appearance of individual telecommunications facilities on separate sites are excepted from this requirement.**

10. Stealth Design

~~Except for those towers located in an M-2 or M-3 zoning district, or located upon public utility substation property, towers shall utilize a stealth design, if necessary due to aesthetic or compatibility considerations.~~

All towers and multiple tower facilities shall utilize a stealth design. Individual towers located in the M-2 or M-3 Districts or located upon public utility substation property, in non-residential districts, are excepted from this requirement.

G. Modifications of Certain Requirements

1. Notwithstanding the general requirements provided by this section, a modification of certain requirements may be approved by the planning commission as a special use. Any application filed for a tower development permit which requests modification(s) to those certain requirements must be processed as pursuant to Section 17.28.050. An applicant **for an individual tower** may request a modification to the following requirements:
 - a. Tower height
 - b. Setback distance to residential property lines
 - c. Separation requirements

An applicant for a multiple tower facility may request a modification to the following requirement:

a. Tower height

Debbie DePompei, Turn-Key Telecom, 3670 North Rancho Drive, Suite 103, Las Vegas, NV 89130 appeared on behalf of the applicant indicating she concurred with Staff recommendation with the exception of Section G with respect to modifications of certain requirements. Presently, an applicant for one individual tower can request a modification for tower height set-back distance to residential property lines and separation requirements and the addition was that an applicant for a multiple tower facility could only request a modification to tower heights. She agreed with omitting the separation requirements but she felt Item No. B, "Set-back distance to residential property lines" should be included because being that with multiple tower sites, more property was needed to accommodate multiple towers. It was challenging to meet all of the development standards for one tower and meet set-back requirements and that was why they were coming in for a special use permit. She asked staff to consider including Item B to allow set-back distance to residential property lines for multiple tower facilities.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Jay Aston asked for Staff's comments on the proposed amendment.

Mr. Eastman explained Staff felt with the key being the set-backs, as set forward in the ordinance and keeping them permanent, it left more stability and more assurance to the public; however, if the Commission chooses to add the language requested by the applicant, it would still require the applicant to come forward with a use permit and ask for approval for a reduction in the set-backs, so if it was approved, it did not give the applicant the right to automatically place the towers wherever they felt. There would still be separation requirements and they would have to request a reduction in set-backs. From Staff perspective, it was felt with the intensity of the multiple tower facility, it would be better not to have the chance for the set-back in order to provide more security for the public.

Commissioner Aston felt it did not matter if the wording was changed, as it had to come before the Commission either way.

Ms. DePompei explained they wanted the ability to be able to prove hardship when they could not meet the set-back requirements.

Commissioner Dilip Trivedi asked if there had been studies done regarding health issues caused by cell towers.

Ms. DePompei responded the towers were mandated by the FCC, FAA and the towers could not be built if there were any health hazards.

Commissioner Trivedi asked if there was a difference if there was one tower or multiple towers.

Ms. DePompei responded there was not.

Commissioner Steve Brown was in support of the amendment requested by the applicant.

Commissioner Harry Shull was in support of the requested amendment.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE ADDITION OF G.B TO READ:

G.B. SETBACK DISTANCE TO RESIDENTIAL PROPERTY LINES.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

20. **T-1326 (35948) CRAIG & ALLEN CONDOMINIUMS. AN APPLICATION SUBMITTED BY TRAMMEL CROW RESIDENTIAL ON BEHALF OF CRAIG ALLEN DEVELOPMENT, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN MUD/MX2, MIXED USE DEVELOPMENT/COMMUNITY MIXED USE CENTER DISTRICT FOR A 312-UNIT CONDOMINIUM DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 139-06-701-016.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed project was part of a mixed use development that was previously approved with ZN-54-06. The applicant's proposed tentative map was in conformance with the approved MUD and the approved final development plan; therefore, Staff was recommending approval of T-1326 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 tentative map be in compliance with all conditions of approval for ZN-54-06, and FDP-04-08.

Tony Celeste 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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

Item No. 23 was heard next

21. **T-1324 (35949) 107 COMMERCE CENTER. AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF FLAMINGO PARADISE PARTNERS, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT FOR A ONE (1) LOT INDUSTRIAL SUBDIVISION CONSISTING OF APPROXIMATELY 110.79 ACRES. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-33-501-002.**

It was requested by the applicant to continue T-1324 to August 13, 2008.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

22. **T-1325 (35951) SLOAN AND ANN. AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF FLAMINGO PARADISE PARTNERS, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT FOR A ONE (1) LOT INDUSTRIAL SUBDIVISION CONSISTING OF APPROXIMATELY 35.17 ACRES. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-801-002.**

It was requested by the applicant to continue T-1325 to August 13, 2008.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

Item No. 24 was heard next.

23. SPR-18-07 (35797) SHADE. AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES ON BEHALF OF GOLDFIELD HOMES LLC, AND GOLDFIELD CENTENNIAL LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW CONSISTING OF 379 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ROME BOULEVARD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-007 AND 124-22-801-011.

The application was presented by Robert Eastman, Principal Planner who explained the site plan was the same as was previously approved. The previous site plan went to City Council as a waiver of the parking standards was requested. The location and proximity to North 5th Street allows the applicant to request a parking reduction and they did receive approval from City Council for the parking reduction. Additionally, the applicant received a number of waivers with the approval of the initial application. The applicant was not requesting any additional waivers and have not changed their proposed site plan; therefore, Staff was recommending approval of SPR-18-07 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum of 10 foot wide landscape buffers along the south & east property lines.
 - b. Pedestrian connectivity between the subject property and the adjoining commercial properties to the south and east.
3. Pedestrian crossings shall be constructed of textured and dyed concrete and/or brick pavers.
4. Submit a detailed landscape plan to the Planning & Zoning Department for review and approval
5. Open space area design and amenities to be provided for this development shall be subject to review and approval by the Parks Department, and shall meet minimum requirements as set by the Parks Department.
 - a. Circuitous lighted paths and fitness course;
 - b. A minimum of twenty 24-inch box trees per acre;

- c. A minimum of two swimming pools (no less than 1,700 square feet of total swimming pool area) with accompanying decking, barbecue areas, and shade structures at each location.
 - d. At least two (2) differing, age appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface (2 play structures total) or comparable facilities as approved by staff. Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes.
 - e. Shaded group picnic areas at a minimum of four different locations (including designated pool areas), which are generally to include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include 30' diameter, lighted shade structure that can accommodate a large group gathering.
 - f. At least one large open space area for group/organized play.
 - g. Two sport courts (i.e. basketball, sand volleyball, tennis, etc.) and/or other amenities such as a pet park or putting green course.
 - h. Benches spaced along pathways;
 - l. Bicycle racks at 1-2 different locations;
 - j. Dog stations at grassy areas along pathways;
 - k. ADA accessibility; and
 - l. Details of amenities to be provided.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
 7. 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.
 8. Maximum retaining wall height is 6-feet.
 9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
 10. A queuing analysis is required.
 11. 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.

12. 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.
13. The driveway unto Rome Boulevard at the northeast corner of the site must be marked "exit only, emergency access" and must meet Fire Department slope requirements.
14. The applicant shall submit a parking study for review and approval.
15. 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:
 - i. Rome Boulevard
 - ii. Goldfield Street
 - iii. associated spandrels
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. 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.
18. A revocable encroachment permit for landscaping within the public right of way is required.
19. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
20. Full width, temporary, AC pavement shall be constructed from the northeast corner of the property to North 5th Street along the Rome Boulevard alignment, or as otherwise approved by the Director of Public Works.
21. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
22. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

23. 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.
24. All off-site improvements must be completed prior to final inspection of the first building.
25. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
26. A site directory should be posted at all gates to the property. Each building should have an address and an unit number clearly displayed and illuminated. Way signs should be posted in walking areas to provide quick guide to given address. Address maps should be printed and provided to emergency services in advance to aid more efficient response time. Care should also be taken to ensure that there is adequate parking, so that no illegally parked cars hinder emergency response.

Tony Celeste 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 Angelo Carvalho allowed the following person to comment on the application:

- **Richard Cherchio, 4017 horse Pointe Avenue, North Las Vegas, NV** was concerned about the overabundance of high density housing in the area. He suggested the notification area for public hearings be extended, possibly to one mile.

Mr. Celeste indicated this was the first request for an extension of time and there has been no substantial change in circumstances in the area. The developer has detrimentally relied on the approval and has spent approximately \$680,000 toward the project and some of the reasons the project was held up was that they were continuing to work on the drainage studies, so he felt the request for an extension of time was appropriate.

Commissioner Steve Brown asked Staff if it was possible to have the time for a site plan review increased to two years.

Marc Jordan, Planning Manager explained the zoning ordinance currently allowed one year for a site plan review; therefore, whenever extensions were requested, they were consistent with the Code. He explained that was one of the issues being addressed on the rewrite of Title 17.

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

MOTION: Vice-Chairman Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

Item No. 26 was heard next.

OLD BUSINESS

24. **SPR-14-08 (35635) ARCHITECTURAL PRECAST INC. AN APPLICATION SUBMITTED BY ARCHITECTURAL PRECAST INC., PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW 80,000 SQUARE FEET OF EXTERIOR STORAGE WITH WAIVERS FROM THE INDUSTRIAL DEVELOPMENT STANDARDS: 1) TO ELIMINATE THE REQUIRED 20-FOOT PERIMETER LANDSCAPE AREA ALONG INTERSTATE 15; 2) TO REDUCE THE REQUIRED 20-FOOT PERIMETER LANDSCAPE AREA ALONG ANN ROAD AND PUEBLA STREET TO A TEN (10) FOOT EARTH STRIP; 3) TO ELIMINATE REQUIRED LANDSCAPING IN PARKING ISLANDS. THE PROPERTY IS LOCATED AT 4630 EAST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-29-401-014. (CONTINUED JUNE 25, 2008)**

It was requested by the applicant to continue SPR-14-08 to August 13, 2008.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

25. **WAV-02-08 (35633) ARCHITECTURAL PRECAST INC. AN APPLICATION SUBMITTED BY ARCHITECTURAL PRECAST INC., PROPERTY OWNER, FOR A WAIVER FROM TITLE 16 IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO WAIVE HALF STREET IMPROVEMENTS (CURB, GUTTER AND FIVE (5) FOOT SIDEWALK). THE PROPERTY IS LOCATED AT 4630 EAST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-29-401-014. (CONTINUED JUNE 25, 2008)**

It was requested by the applicant to continue WAV-02-08 to August 13, 2008.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

First Public Forum was heard next.

26. SPR-20-08 (35715) NORTHERN BELTWAY INDUSTRIAL. AN APPLICATION SUBMITTED BY THOMAS AND MACK DEVELOPMENT ON BEHALF OF NORTHERN BELTWAY INDUSTRIAL CENTER LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 551,922-SQUARE-FOOT INDUSTRIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF RANGE ROAD AND EL CAMPO GRANDE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-310-001 AND 123-28-701-001. (CONTINUED JULY 9, 2008)

The application was presented by Robert Eastman, Principal Planner who explained during the July 9, 2008 Planning Commission meeting some of the conditions were amended. Condition No. 2.c, was deleted, Condition No. 16 was amended and the current conditions before the Commission were recommended by Staff. Mr. Eastman pointed out Condition No. 7 was being amended to read: "Dedication and construction of the following streets and/or half streets, are required, per the Master Plan of Streets and Highways, and/or City of North Las Vegas Municipal Code, Section 16.24.100 or as otherwise directed by the Director of Public Works," and then with the request of Tropical Parkway. Staff was recommending approval of SPR-20-08. The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development of this site shall be in compliance with the Industrial Development Standards, including but not limited to the following:
 - a. The color pallet for Buildings E and F shall be compatible to the colors of Buildings A and B.
 - b. Landscaped islands shall be provided every 15 parking spaces and at the end of each row of parking.
3. That the development shall comply with the conditions of approval for VAC-14-07.
4. Comply with the previously approved conditions of T-1308.
5. Vacation of Castleberry Lane must record prior to final approval of civil improvements.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.

7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Tropical 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. A 20-foot-wide utility easement west of the centerline of Castleberry Lane shall be dedicated (VAC-14-07).
14. The applicant shall comply with the conditions of approval listed by the Fire Department for VAC-14-07
15. Fire access lanes shall be marked to prohibit parking in accordance with the fire code.
16. The loading area shall be equipped with security lighting and cameras, or other security measures.

Gary Congdon, Lee & Sakahara Architects, 6280 South Valley View Boulevard, Las Vegas, NV indicated he concurred with all of Staff conditions except for Condition Nos. 3, 5 and 7. He explained Condition Nos. 3 and 5 referred to the vacation of Castleberry and did not agree with the language in Condition No. 7. He gave an overview on what had happened with the vacation of Castleberry. He pointed out that VAC-14-07 was an application made by Tropical Partners, not by Thomas and Mack Development and did not feel the applicant should be held accountable for that application as they had no control over what was done with it. The applicant was trying to move forward with his project,

assuming Castleberry would be vacated, but the vacation was not complete at this point. The proposed project was designed with the vacation of Castleberry with no intention of dedicating Castleberry nor did the adjacent property owner intend to put in a street. The dilemma was that when the proposed project was conditioned on the conditions of a vacation, the conditions state that Tropical Partners must bond for and construct the streets surrounding their property. Staff recommended they convince Tropical Partners to modify the conditions of VAC-14-07; but, they did not know if that would happen and it was causing severe concerns. Mr. Congdon stated it seemed unfair that the applicant would be conditioned with having to do something with another persons property, which they had no control over. He requested that Condition Nos. 3 and 5 be deleted so they could move forward with their project. He met with Staff regarding Condition No. 7 and it was suggested to add the language that allowed the discretion of the Public Works Director to say whether or not, or when, Tropical Parkway got constructed. The problem with the wording was, that it was ambiguous for the property owner and allowed too much discretion on the part of the Public Works Director. The language was intentionally designed to require that the construction of Tropical Parkway not occur until the neighboring property owner constructed Tropical Parkway, so they were not constructing a street in the middle of nowhere. The language came about on the tentative map. He explained the tentative map, T-1308, was approved January 9, 2008, which was specific as to when Tropical Parkway would be constructed. He was asking to have the same language added to the site plan review that was on the tentative map.

Commissioner Jay Aston asked Staff if the applicant could apply for a vacation of Tropical Parkway even though it had already been applied for and approved by another property owner.

Mr. Congdon indicated he did not know if the adjacent property owner was acting on the vacation.

Bethany Sanchez, Deputy City Attorney responded there were a couple of concerns. There were rules as to who could apply for a vacation; there had to be some sort of interest in the property and was not sure of the rules and suggested some research could be done as to whether the current applicant had enough interest to be able to put forth an application for a vacation.

Commissioner Aston agreed with the applicant that it did not seem right that the current applicant have to adhere to conditions put on property owned by another person.

Deputy City Attorney Sanchez indicated her understanding was that the reason the vacation could not be recorded at this time, was that it would cause a landlocked parcel until the off-sites were completed on the perimeter streets.

Commissioner Aston said the vacation could not record because the conditions had not been met and thought an option would be for the applicant to submit for the vacation himself.

Deputy City Attorney Sanchez responded she did not know if the adjacent property owner could be landlocked before he completed his off-site improvements.

Mr. Congdon pointed out the parcel was not landlocked as it fronted three streets. When the application for the vacation was first submitted, he understood there were several parcels, which might have been why the conditions were imposed, but since that time, it was one single lot.

Deputy City Attorney Sanchez asked Mr. Congdon if he had discussion with the adjacent property owner about whether or not they could go forward on a vacation application or if the applicant would apply to amend the conditions put on the vacation.

Mr. Congdon responded the process of amending the application would cause a minimum of a 60 day delay to their project. He questioned why his site plan review was conditioned with the conditions of VAC-14-07.

Commissioner Jay Aston also suggested the applicant could develop his property without the vacation and if that did not work, the property could be designed without the vacation with a modification if and when the vacation did record. He could only think of two options and understood the applicant, but the street was not yet vacated.

Mr. Congdon suggested the following wording be added to Condition No. 3: "or obtain a restrictive covenant from the adjacent property owner", where they agree to vacate the street. Then, if the property were sold, whoever bought it was held to the restrictive covenant to vacate the street.

Deputy City Attorney Sanchez said the vacation request would expire in two years and at that point, the applicant would be forced to dedicate; so, the problem with the restrictive covenant would be difficult to enforce as the vacation would no longer exist.

Commissioner Aston explained to Mr. Congdon, that as the applicant, they had the choice to either pursue having the original applicant of the vacation withdraw and submit their own vacation or to develop the site as if the road was existing.

Commissioner Steve Brown was in support of Staff recommendation.

Commissioner Harry Shull asked Staff if it was in the Commission's purview to delete the requested conditions.

Deputy City Attorney Sanchez responded the Planning commission had the discretion to delete or amend the conditions. The language of the conditions would have to be consistent with Municipal Code.

Commissioner Shull understood the applicant's predicament and was not opposed to deleting Condition Nos. 3 and 5 and agreed with Staff on Condition No. 7

Commissioner Dilip Trivedi understood the applicant and supported deleting Condition Nos. 3 and 5.

Chairman Angelo Carvalho asked if Condition No. 7 would cause a conflict with other property owners.

Jennifer Doody of Public Works responded it would not.

Deputy City Attorney Sanchez understood the vacation conditions were separate and different from the dedication and construction of the off-sites.

Chairman Carvalho asked Ms. Doody if she supported deleting the conditions.

Ms. Doody responded she would like the conditions to remain due to the issues with the vacation.

Commissioner Steve Brown asked what would happen if Condition Nos. 3 and 5 were deleted and the applicant went ahead as planned and the adjacent property owner decided later he wanted to have the street.

Ms. Doody responded if that happened there would be a problem.

Mr. Congdon explained that was why they were requesting the restrictive covenant on the vacation.

There was a break in proceedings at 7:43 p.m.

The meeting reconvened at 7:49 p.m.

Deputy City Attorney Sanchez explained Staff came to a consensus. Staff would not be opposed to the deletion of Condition Nos. 3 and 5 as Title 16 would not allow construction of any buildings over the right-of-way of where the vacation had been requested, if the vacation did not go through. The matter could be taken care of on an administrative level so the applicant could go forward. She made sure the applicant understood, on a practical level, if the vacation did not go through, the right-of-way would have to be dedicated and

nothing would be able to be constructed over that right-of-way until the vacation went through on Tropical Partners' side of the line.

Commissioner Shull stated the applicant would have to live with the discretion of the Director of Public Works.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 3 AND 5 AND CONDITION NO. 7 AMENDED TO READ:

7. DEDICATION AND CONSTRUCTION OF THE FOLLOWING STREETS AND/OR HALF STREETS IS REQUIRED PER THE *MASTER PLAN OF STREETS AND HIGHWAYS AND/OR CITY OF NORTH ALAS VEGAS MUNICIPAL CODE* SECTION 16.24.100, OR AS OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC WORKS:

A. TROPICAL PARKWAY

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

Richard Cherchio, 417 Horse Pointe, North Las Vegas, NV was concerned with the safety of the drive-thru at the Dunkin Donuts located at Commerce and Centennial Parkway. He pointed out there were four parking spaces in the area of the drive-thru exit and also a crosswalk, where pedestrians would be crossing at the exit of the drive-thru.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

Commissioner Dilip Trivedi asked that the American Institute of Architects be invited to a Planning Commission meeting to give a presentation on the blue print for Nevada, which would explain how to make the City more sustainable and green. He was concerned that the City was dragging their feet with the green issues.

Frank Fiori, Planning and Zoning Director indicated he would put the item on a future agenda and asked the Commission if they would like the presentation prior to the briefing or added to the end of the agenda.

Commissioner Trivedi asked that it be put as Item No. 1 on the agenda so it would also be presented to the public.

Director Fiori indicated he would take care of it.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

APPROVED: August 27, 2008

/s/ Vice-Chairman Harry Shull
Angelo Carvalho, Chairman

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