

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

October 14, 2009

**BRIEFING**

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

Planning and Zoning Director Frank Fiori informed the Commission there would be a joint meeting with Planning Commission and City Council in the near future and asked for suggestions of what the Commission would like to see on the agenda for discussion.

The Commission indicated they would like to discuss amending the Parking Ordinance and Sign Ordinance, discuss the set-backs for cell towers, landscape requirements and building orientation. The Commission would also like to discuss Council's goals and priorities for the City and discuss development of the downtown area and how business would be brought to the area.

**CALL TO ORDER**

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

**WELCOME:**

Chairman Dean Leavitt

**ROLL CALL:**

Chairman Dean Leavitt - Present  
Vice-Chairman Steve Brown - Present  
Commissioner Jay Aston - Present  
Commissioner Jo Cato - Absent  
Commissioner Dilip Trivedi - Present  
Commissioner Laura Perkins - Present  
Commissioner Joseph DePhillips - Present

**STAFF PRESENT:**

Frank Fiori, P & Z Director  
Marc Jordan, Planning Manager  
Mary Aldava, Sr. Planner  
Sandra Morgan, Deputy City Attorney  
Jennifer Doody, Development & Flood Control  
Eric Hawkins, Public Works  
Mike Steele, Fire Department  
Jose Rodriguez, Police Department  
Doug Bergstrom, Utilities  
Jo Ann Lawrence, Recording Secretary

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

**PLEDGE OF ALLEGIANCE:** Commissioner Jay Aston

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

### **PUBLIC FORUM**

There was no public participation.

**Approval of Minutes was heard next.**

### **MINUTES**

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2009.**

ACTION: APPROVED

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2009.**

ACTION: APPROVED

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

AYES: Vice-Chairman Brown, Commissioners Aston, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: Chairman Leavitt

**IT WAS REQUESTED TO MOVE ITEM NO. 9, SPR-15-09, TO THE FRONT OF THE AGENDA**

ACTION: APPROVED SPR-15-09 TO BE HEARD FIRST ON THE AGENDA

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

**Item No. 9 heard next.**

**NEW BUSINESS**

1. **VN-18-09 (39677) ARCO AM/PM (PUBLIC HEARING). AN APPLICATION SUBMITTED BY K & C LV INVESTMENT LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A TEN (10) FOOT BUILDING SETBACK WHERE A 20 FOOT BUILDING SETBACK IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 2000 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-805-001.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to demolish the existing building on the site and reconstruct it with a new convenience food store with gas pumps. The application was originally approved by the Redevelopment Agency on December 6, 2006 and the applicant subsequently let it expire. In the Staff Report, denial was recommended; however, the recommendation was being changed to approval, as there was an active building permit on file, which has already been reviewed and approved by Staff and approval of this variance application was necessary so the permit could be picked up. Mr. Jordan explained, because the applicant relied on the conditions of the previous variance approval and followed through appropriately with building plans, which were approved by Staff, the recommendation for VN-18-09 was being changed to approval. The conditions of approval 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; and
2. That the convenience food store building shall be in accordance with the site plan submitted herein and shall maintain a minimum 10 foot front setback. All other setbacks shall be in accordance with the C-2, General Commercial District.

**Ken Ballard, 1950 East Warm Springs Road, Las Vegas, NV 89119** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION**

**MOTION: Vice-Chairman Brown  
SECOND: Commissioner Aston**

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Trivedi,  
Perkins, and DePhillips  
NAYS: None  
ABSTAIN: None

2. **UN-54-09 (39676) ARCO AM/PM (PUBLIC HEARING). AN APPLICATION SUBMITTED BY K & C LV INVESTMENT, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT 2000 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-805-001.**

The application was presented by Marc Jordan, Planning Manager who explained the existing facility would be demolished and re-built. The use was approved by the Redevelopment Agency on February 7, 2007 and had expired. The applicant was requesting waivers to the Commercial Design Guidelines to not require the building to be oriented to the street corner but was requesting to put it on the east property line. They were requesting to reduce the landscaping along Cheyenne Avenue and Civic Center Drive, along Cheyenne it would be approximately seven foot, eight inches (7' 8") in width and along Civic Center it would be approximately eight feet (8') in width and were also requesting a waiver to allow an alternative form of foundation landscaping, instead of six feet of landscaping, they were proposing potted plants along the frontage of the building. Staff had recommended continuance of the applicant to amend the site plan to comply with Commercial Guidelines, but because of the previous approvals and due to the building permits on file, the proposed application was identical to what had been filed previously and what was approved by Staff for the Building Permit; therefore, Staff was recommending approval with Condition No. 3.b amended to read: "Landscaping shall be provided along Civic Center Drive and Cheyenne Avenue as shown on the submitted site plan;" Condition No. 4 added to read: "Date palms with a minimum height of 20 feet to the base of the fronds shall be located 15 feet on center along Cheyenne Avenue and Civic Center Drive;" and Condition No. 6 would be deleted and all conditions renumbered. The item would also be forwarded to the Redevelopment Agency for final consideration. 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. Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;
  - a. Refuse collections areas shall be screened through use of landscaping to better integrate the structure into the site and must have a roof cover.
  - b. Building elevations shall incorporate jogs, offsets or other architectural vertical features to reduce the visual length of the wall plan.
3. The following waivers from the Commercial Development Standards and Design Guidelines shall be allowed;
  - a. The principle building is not required to be oriented to the corner and the street front.

- b. A minimum of seven (7) feet of perimeter landscaping shall be provided from the property line along Civic Center Drive, and a minimum of eight (8) feet of perimeter landscaping shall be provided from the property line along Civic Center Drive.
  - c. A minimum of 12 potted plants shall be installed along the customer entrance in lieu of foundation landscaping in addition to the shrubs and ground cover to be provided within the half diamonds adjacent to the parking lot as shown on the submitted site plan.
4. Approval of a traffic study is required prior to submittal of the civil improvement plans.
5. A concrete median shall be installed within Civic Center Drive. The design of the median shall be acceptable to the City Traffic Engineer and extend the entire length of the parcel.
6. This site shall maintain a point of cross access with the adjacent development.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Cheyenne Avenue and Civic Center Drive, if not already existing.
8. 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.
9. 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.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. A revocable encroachment permit for landscaping within the public right of way is required.
12. The property owner is required to sign a restrictive covenant for utilities.
13. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. NDOT concurrence with the results of the drainage study is required prior to approval of the civil improvement plans. (Due to NDOT's drainage policy, onsite detention may be required.)
16. The applicant's design professional shall coordinate with NDOT regarding the Cheyenne Avenue rehabilitation project.

**Ken Ballard, 1950 East Warm Springs, Las Vegas, NV 89119** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

Chairman Dean Leavitt thanked the applicant and felt the construction would complement the new development across the street.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 6 DELETED, CONDITION NO. 3.B AMENDED AND CONDITION NO. 4 ADDED (CONDITIONS RENUMBERED) TO READ:

- 3.B. LANDSCAPING SHALL BE PROVIDED ALONG CIVIC CENTER DRIVE AND CHEYENNE AVENUE AS SHOWN ON THE SUBMITTED SITE PLAN.
4. DATE PALMS WITH A MINIMUM HEIGHT OF 20 FEET TO THE BASE OF THE FRONDS SHALL BE LOCATED 15 FEET ON CENTER ALONG CHEYENNE AVENUE AND CIVIC CENTER DRIVE.

FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION.

**MOTION:** Vice-Chairman Brown  
**SECOND:** Commissioner Trivedi  
**AYES:** Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Trivedi, Perkins, and DePhillips  
**NAYS:** None  
**ABSTAIN:** None

3. **UN-56-09 (39729) THE CRAIG COMMERCE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CNC RACING ON BEHALF OF HARSCH INVESTMENT PROPERTIES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2707 EAST CRAIG ROAD, SUITES J & K. THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-002.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing the auto repair facility in conjunction with an auto supply store. The site complies with the parking requirements; however, Staff observed there was temporary signage on the building, which required a permit and was only allowed for a certain period of time; therefore, the applicant would need to apply for a permit for the signage. Staff was recommending approval of UN-56-09 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 all work shall be performed within a building.
3. All vehicles awaiting repairs shall be stored inside a building or, if outside, screened from view with a decorative masonry wall.
4. This special use permit is site specific and non-transferable.

**Lisa Jones, 2707 East Craig Road, Suites J & K, North Las Vegas, NV** appeared along with Michael Van Castle.

**Michael Van Castle, 2707 East Craig, Suite J & K, North Las Vegas, NV** commented on street racing and suggested there were ways to prevent it and was requesting the help of the City of North Las Vegas. He had suggestions on how it could be done and indicated there needed to be a track for teenagers to use.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi asked the applicant if racing was being done on the proposed site.

Ms. Jones responded there was not.

Commissioner Jay Aston asked the applicant if they agreed with the conditions of approval.

Ms. Jones responded she concurred with Staff recommended conditions.

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

**MOTION:** Vice-Chairman Brown

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

Commissioner Steve Brown explained to Mr. Van Castle he may want to take his comments about street racing to City Council during a public forum.

**4. UN-58-09 (39733) T & A AUTO REPAIR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OSCAR TALAMANTES ON BEHALF OF D M REAL ESTATE HOLDINGS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 4535 STATZ STREET, UNIT I. THE ASSESSOR'S PARCEL NUMBER IS 139-01-201-019.**

The application was presented by Marc Jordan, Planning Manager who explained Staff had no objection to the use permit and had observed the automobiles were being stored on the loading docks of the facility and as a condition of approval and also listed in the zoning ordinance, any automobile awaiting repair must be screened from view of adjacent properties and street rights-of-way. The applicant would have to look at incorporating screening into the area or house the vehicles inside the building. It appeared there may be an impound yard on the site, which was not allowed with the application and would have to be cleaned up. It also appeared vehicles were being stored in the loading docks that were part of Suite "H", so they would have to scale back the outside storage. Staff was recommending approval of UN-58-09 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. All work shall be performed within a building.
3. All equipment and materials shall be stored and/or used inside a building at all times.
4. All vehicles awaiting repairs shall be stored inside a building or if outside, screened from view with a decorative masonry wall.
5. All vehicles scheduled for repair by this applicant shall be contained within the designated area for Unit I.
6. This special use permit is site specific and non-transferable.

**Maria Talamantes, 4535 Statz Street #I, North Las Vegas, NV** appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

5. **ZN-05-09 (39731) 6090 RANGE ROAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WALTER SARGENT, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-2, GENERAL COMMERCIAL DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT 6090 RANGE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-28-201-008.**

The application was presented by Marc Jordan, Planning Manager who explained the property was surrounded by either NDOT right-of-way or property that was zoned M-2. The property was supported by the Comprehensive Plan; therefore, Staff was recommending approval.

**Troy Tobler, 7477 West Lake Mead, Suite 270, Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

6. **ZN-44-02 (37738) ANN & FIFTH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARIA ENAMORADO, ON BEHALF OF BOUQUET, INC., PROPERTY OWNER, TO AMEND A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A RETAIL/COMMERCIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-502-006 AND 124-34-502-007.**

The application was presented by Marc Jordan, Planning Manager who explained the revised site plan was primarily for the eastern portion of the PUD. The western parcel remained unaffected and the proposed development approved for that location would still be existing. He pointed out because this was a PUD for the entire site, but owned by two property owners, the application was only for the eastern half, but the conditions reflect the entire PUD. On the eastern portion, the applicant submitted a revised site plan showing a convenience food store with gas pumps and a car wash that were previously approved and were now proposing 3500 square feet of retail space. The applicant was requesting that previously approved Condition Nos. 23 and 24 be amended, which dealt with off-site improvements on the site. The applicant would be required to provide the proper foundation landscaping in front of the convenience store and retail space and would need to provide at least 11 feet (6 feet of landscaping and a 5 foot sidewalk) and the facades facing Ann Road or North Fifth Street required windows, awning and arcades that must total 60% of the length of the facade to provide some visual relief to the street frontages and could be addressed with the final development plan. Staff was recommending approval of ZN-44-02 with Condition Nos. 23 and 24 of the previously approved conditions amended which are now Condition Nos. 21 and 22. Condition No. 21 would be amended to read: "The civil improvement plans appropriate to each phase of development shall include schedule 40 PVC fiber optic conduit along the project's frontage of Ann Road and/or North Fifth Street." Mr. Jordan explained the applicant was developing the site in two phases and they were currently developing the eastern phase and wanted to be responsible for the street frontage improvements adjacent to their parcel only and when the western phase came in, they would be responsible for Ann Road frontage for their share and the Condition currently read, whoever came in first was responsible for all of the improvements. Condition No. 22.a would be amended to read: "Ann Road - appropriate to each phase of development." Mr. Jordan explained Condition No. 23 required temporary pavement along the western portion to eliminate the saw-tooth streets.

**Gemie Knisely, 2111 Edgewood Avenue, Las Vegas, NV 89102** appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi did not feel a gas station and car wash belonged on the North Fifth Corridor and was not in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NOS. 21 AND 22.A AMENDED TO READ:

21. THE CIVIL IMPROVEMENT PLANS APPROPRIATE TO EACH  
PHASE OF DEVELOPMENT SHALL INCLUDE SCHEDULE 40 PVC  
FIBER OPTIC CONDUIT ALONG THE PROJECT'S FRONTAGE OF  
ANN ROAD AND/OR NORTH FIFTH STREET.

22.A. ANN ROAD - APPROPRIATE TO EACH PHASE OF  
DEVELOPMENT.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Vice-Chairman Brown

SECOND: Commissioner Aston

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

NAYS: Commissioners Trivedi and DePhillips

ABSTAIN: None

7. **SPR-16-09 (39730) LAS VEGAS ATHLETIC CLUBS. AN APPLICATION SUBMITTED BY LAS VEGAS RACQUETBALL CLUB, INC DBA LAS VEGAS ATHLETIC CLUBS ON BEHALF OF DECATUR TROPICS LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A COMMERCIAL/RETAIL CENTER WITH 87,750 SQUARE FEET FOR A HEALTH AND EXERCISE CENTER AND RETAIL USES. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DECATUR BOULEVARD AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-204-001, 124-30-204-002 AND 124-30-204-005.**

The application was presented by Mary Aldava, Senior Planner who explained the applicant was proposing four commercial retail buildings and a health and exercise center. Also proposed on the site was a previously approved tavern, which received an extension of time from City Council on September 16, 2009; however, the applicant has not shown the proposed tavern on the site plan presented. The applicant has submitted a revised site plan, elevations and letter of intent. The site plan submitted is in compliance with parking; however, if the tavern is included with the development, the proposal would not meet parking requirements. The tavern requires 137 parking spaces and the health and exercise center requires 740 spaces. The location of the driveway approach as shown on the current site plan and the approved site plan for the tavern do not match up and the driveway approach alignment between the two proposals must be redesigned to accommodate both uses. The revised site plan also indicates the retail buildings at the southeast corner of Decatur Boulevard and Rice Avenue have been moved ten feet to the south to accommodate a right turn lane on Rice Avenue as requested by the Department of Public Works. The applicant was requesting waivers from the landscaping islands that are required to be installed between the parking rows of every other double row of parking. The applicant indicated in lieu of the landscape islands, for every other double row of parking, a six foot wide landscape diamond was proposed for every three or four parking spaces in a row. The applicant, in the letter of intent, stated that the landscape diamonds in lieu of landscape islands would accomplish the goal by minimizing the site impacts and excess water consumption. Staff concurs with the applicant's reasoning and recommended that landscape diamonds be installed for every three parking spaces in a row. The applicant was also requesting a waiver from requiring any area of parking lot which abuts a public street be set back from the property line a minimum of 20 feet. The applicant stated the vast majority of the site accomplishes the desired standard. A very small triangular area near the southeast corner of the site along Tropical Parkway does not meet the requirement and due to the unusual street alignment, the other location was along Rice Avenue, east of the first entry drive. The parking lot was set back 10 feet where 20 feet was required from the property line. Compliance with the required landscaping would eliminate 25 parking spaces and the proposal would not meet the minimum parking requirements. Staff was not supporting the requested waiver and was recommending SPR-16-09 be continued to allow adequate time for the applicant to address the following concerns: The current site plan does not indicate the previously approved tavern, the

shortage of parking, and the previously approved driveway approach locations that do not match up along Rice Avenue and Decatur Boulevard. However, should the Planning Commission determine approval was warranted, Staff recommends the conditions listed in the memorandum dated October 14, 2009 as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Development shall generally conform to the site plan as submitted. Any, additional uses proposed on the site would require an amendment to this site plan.
3. The proposed development must comply with all Commercial Design Guidelines; with the following exceptions:
  - a. Provide ten (10) feet of landscaping measured from the property line along Rice Avenue.
  - b. Six (6) parking spaces located at the southeast corner of the development along Tropical Parkway may encroach up to nine (9) feet into the required landscape area.
  - c. Provide six (6) foot wide landscape diamonds for every three (3) parking spaces in every row.
  - d. Relocate the walkway adjacent to the north and east property lines abutting the residential immediately adjacent to the parking lot. Install wheel stops to buffer between vehicles and the sidewalk.
4. The property owner shall dedicate an additional ten(10) feet of right-of-way on the south side of Rice Avenue from Decatur Boulevard to the first driveway east of Decatur Boulevard. This additional right-of-way will provide enough pavement to receive the dual left turn lanes from southbound Decatur Boulevard at Rice Avenue. The outside lane on Rice Avenue will become a forced right turn lane at the driveway.
5. Right-of-way dedication and construction of a flared intersection is required at Decatur Boulevard and Tropical Parkway. The existing traffic signal at it's current location will be used.
6. Right-of-way dedication and construction of a CAT bus turn-out is required on Decatur Boulevard near Rice Avenue per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 234.3 and 234.2.

7. Dedication and construction of the following streets and/or half streets is required per the *City of North Las Vegas Municipal Code* section 16.24.100:
  1. Rice Avenue
  2. Decatur Boulevard
  3. Tropical Parkway
8. Except for those off-site street improvements adjacent to the parcel containing PAD C, all off-site improvements adjacent to this development must be completed prior to final inspection of the first building. The City may coordinate with the developer's contractors to facilitate the construction of permanent off-site improvements adjacent to PAD C. Aside from the agreed upon cost of \$400,000.00 for traffic signal and associated roadway improvements needed to ensure safe transitions at the Tropical Parkway / Centennial Parkway intersection, there will be no additional cost to the applicant or current property owner for permanent roadway improvements done adjacent to PAD C.
9. The developer may be required to install temporary roadway improvements at or near the intersection of Tropical Parkway / Centennial Parkway to ensure safe transitions.
10. The design of the Tropical Parkway / Centennial Parkway intersection must be completed and accepted by the City of North Las Vegas Traffic Engineer prior to submittal of the drainage study and traffic study for review. Conformance to this design may require minor modifications to the approved site plan; in that event, five (5) copies of a conforming site plan incorporating the new intersection design, and the conditions of approval, shall be submitted for review and approval to the Department of Public Works and the Planning and Zoning Department prior to submittal of the final map and civil improvement plans.
11. The developer is required to construct a raised median within Tropical Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb and shall be treated and/or landscaped per Parks Department standards and requirements.
12. Approval of a traffic study is required prior to submittal of the civil improvement plans.
13. The driveway on Decatur Boulevard is limited to right in, right out only.
14. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Decatur Boulevard.

15. 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.
16. 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.
17. The property owner is required to grant a roadway easement for commercial driveway(s).
18. 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.
19. A revocable encroachment permit for landscaping within the public right of way is required.
20. The property owner is required to sign a restrictive covenant for utilities.
21. All Nevada Energy 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.
22. 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.
23. Approval of a drainage study is required prior to submittal of the civil improvement plans.
24. City of Las Vegas concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
25. 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.
26. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

27. 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.
28. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code requirements.
29. Accessible parking spaces shall be dispersed and located near the accessible entrances of the five buildings shown on site plan. Per IBC 2006 section 1106.5, for every six (6) accessible parking spaces, at least one shall be van accessible parking space.
30. Car and van accessible parking spaces shall have an adjacent access aisle complying with ICC A117.1 section 502.4. Access aisles shall be marked so as to discourage parking in them.
31. Accessible route need to be provided from the accessible parking spaces to the nearest accessible entrance of the building.
32. Accessible routes within the site shall be provided from public transportation stops and public streets or sidewalk to the accessible building entrance served per IBC section 1104.1. It shall be properly marked on site to comply with ICC ANSI A117.1-2003.
33. From within the site, at least one accessible route shall connect accessible buildings, accessible facilities, and accessible spaces that are on the same site per IBC section 1104.2.
34. Provide a bike lane along the frontage on tropical Parkway in accordance with the Master Plan for Streets and Highways.

**George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant along with Todd Smith one of the owners for the Las Vegas Athletic Clubs; the architect, Winston Henderson; and the engineer, Nelson Stone. Mr. Garcia explained the project was now approximately 78,000 square feet, down from 83,000 square feet as originally proposed and they had done everything possible to reduce the size of the building and the development plans to make it fit within the constraints and minimize to the maximum extent any waivers that might be needed. He stated the only place the development deviated was an area, due to the right-of-ways. Tropical Parkway was completely shifted entirely onto the property; so, rather than being at the conventional "T" design, it was all off-set, so the entire burden fell on the proposed site. They have worked with the City for many years to get to the point where they would

be able to complete the intersection in a design that worked. They have approximately 300 square feet of landscaping that was not provided and depending on the final alignment of the roadway, the waiver may not be necessary. He also pointed out the tree diamonds discussed by Staff and showed where they would be located every three spaces throughout the project. There is 10,000 feet of retail space and the architecture would tie in with the architecture of the health club and while the plans are not yet finalized, what was shown was the intent and concept. Mr. Garcia stated they had been working with Public Works to solve the issue of how to make the intersection at Centennial Parkway and Tropical Parkway work, as the off-set intersection causes an enormous impact to the property. He did not feel Public Works was concerned about the driveway for the tavern issue that was raised by Staff and if the project were to fall through, the current owner wanted to retain the ability to go forward with that plan and preserve it. If, for some reason, Las Vegas Athletic Club were to desire to incorporate a tavern into the project, they would be happy to come back before the Planning Commission with plans for a tavern and Staff could determine the parking requirements were met and that it conformed to the aesthetics and architecture compatibility with the athletic club. It was felt the tavern was a separate issue. Mr. Garcia state he concurred with Staff recommended conditions.

Commissioner Jay Aston asked Staff if there was a way to condition the proposed site plan, to maintain the use permit for the tavern subject to the site plan presented with this application and if it changed, it must be re-submitted.

Marc Jordan, Planning Manager responded Condition No. 2 addressed that issue.

Commissioner Aston felt the applicant had prepared a site plan trying to implement the landscaping and the parking to meet requirements and was in support of the application.

Commissioner Steve Brown clarified there was not a problem having two site plans approved for the same location.

Mr. Jordan explained the use permit had their site plan as part of the use permit, but it was only for the area where the tavern was located and did not encompass the entire area.

Commissioner Brown asked if there was a conflict.

Mr. Jordan explained there was a conflict in the fact that where the retail buildings are located at the corner of Rice Avenue and Decatur Boulevard, was where the tavern was proposed.

Commissioner Brown did not have a problem reducing the landscaping and was in support of the application.

Chairman Dean Leavitt pointed out several developers had attempted to make the connection for the traffic flow in that area and now there was an opportunity to have a win, win environment and was in support of the application.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED OCTOBER 14, 2009

**MOTION:** Commissioner Aston

**SECOND:** Vice-Chairman Brown

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

**NAYS:** None

**ABSTAIN:** None

8. **SPR-12-08 (39642) LAS FLORES SHOPPING CENTER. AN APPLICATION SUBMITTED BY MONTECITO COMMERCIAL, LLC ON BEHALF OF BJS LAS VEGAS, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT CONSISTING OF AN APPROXIMATE 352,000 SQUARE FOOT SHOPPING CENTER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAMILTON STREET AND LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-111-001.**

The application was presented by Mary Aldava, Senior Planner who explained the site plan elevations submitted with this extension of time were consistent with the originally approved site plan and elevations; therefore, Staff was recommending approval of SPR-12-08 and that it be forwarded to the Redevelopment Agency for final consideration 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. Submit a copy of the revised site plan to the Planning & Zoning Department. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
  - a. Provide thirty two (32) bicycle parking spaces for the entire development within 100 feet from the building entrances. 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.
  - b. Show staggered landscape diamonds of 5 feet X 5 feet with a tree for every three (3) parking spaces.
  - c. The use of different color or textured materials for the pedestrian connection routes is required.
  - d. Provide a six (6) foot wide foundation landscaping around the proposed new buildings. If the foundation landscaping is determined to be impractical because of soil conditions either landscaping may be transposed with the sidewalk or above ground planters shall be provided .
3. Provide a detail color scheme for all the proposed buildings consistent with the guidelines listed in the Downtown Master Plan/ Investment Strategy.

4. Provide a decorative block wall and/or wrought iron view fence to screen the residential developments along the west and south property lines.
5. A minimum of five (5) stacking spaces shall be provided behind the 'order box' for the fast food restaurant.
6. Approval of a traffic study is required prior to the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue and Las Vegas Boulevard.
8. 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.
9. 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.
10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
11. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
12. All known geological hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.

16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. The property owner is required to sign a restrictive covenant for utilities.
18. Relocate Commercial driveway closest to APN 139-13-302-004 on Las Vegas Boulevard North to line up with median opening.
19. Provide a copy of NDOT encroachment permit for landscaping in the public right-of-way and also need an encroachment permit from NDOT for construction of commercial driveway being relocated.
20. Property owner is required to grant a 3 X 30 load pad easement for back of CAT bus turn-out.
21. Show all existing easements and vacation/relinquishment document information of any abandoned easements.
22. All off-site improvements must be completed prior to final inspection of the first building.
23. Fire access lanes shall be located such that no portion of the ground floor walls are located more than 150 feet from an access lane to be measured as a person would walk.
24. Fire access lanes shall be a minimum of 24 feet.
25. Fire access lanes shall be provided with 52 feet outer and 28 feet inner turn radii.
26. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
27. The extension of time for SPR-12-08 will expire on October 1, 2010.

**Jennifer Lazovich, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor; Las Vegas, NV 89169** appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Commissioner Laura Perkins stated she was impressed with the landscaping along Las Vegas Boulevard, as it would change the whole effect, especially since it was so close to the downtown area.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARD TO REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION**

MOTION: Vice-Chairman Brown  
SECOND: Chairman Leavitt  
AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Trivedi,  
Perkins, and DePhillips  
NAYS: None  
ABSTAIN: None

**The Second Public Forum was heard next.**

9. **SPR-15-09 (39726) RV APEX SOLAR. AN APPLICATION SUBMITTED BY FOTOWATIO NEVADA SOLAR, LLC ON BEHALF OF KAPEX LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT ENCOMPASSING APPROXIMATELY 154 ACRES FOR A SOLAR PHOTOVOLTAIC PROJECT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF GRAND VALLEY PARKWAY AND GARNET VALLEY BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 103-16-010-004.**

The application was presented by Mary Aldava, Senior Planner who explained the site plan depicted the construction of 70 full solar arrays and 20 partial solar arrays along with associated electrical appurtenances and equipment. The applicant's letter of intent indicated the proposed project would generate approximately 55,000 megawatt hours of clean, renewable electricity each year, enough to power approximately 5,000 homes annually and construction of the project would generate over 200 jobs for a period of six to twelve months. Staff has reviewed the application for conformance with the proposed Industrial Apex Overlay District and its Development and Design Standards, which are pending City Council adoption. The applicant was also proposing a seven foot chain link fence with three strands of barbed wire as a security measure. Under the proposed Overlay District, the use of barbed wire or razor wire would be permitted only if approved as part of an overall development plan or a special use permit. If approved, this application would be considered an approved development plan; however, if the Overlay District was not approved, a special use permit would be required. All landscaping would comply with the Overlay District when approved. Staff was recommending approval of SPR-15-09 with Condition No. 7 amended to read: "Approval of a traffic study update is required prior to submittal of the civil improvement plans." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Perimeter landscaping shall be provided in conformance with the I-A Overlay District's landscaping standards per 17.20.240.G.4.
3. If Ordinance No. 2514 is not adopted by the City Council, then a special use permit will be required to allow the use of an additional security measure, barbed wire, on the site.
4. Approval of a technical Drainage Study is prior to submittal of the civil improvement plans.
5. The Technical Drainage Study must conform to the *APEX/KAPEX Flood Control Master Plan*. All drainage facilities necessary to protect the site and mitigate for improvements must be constructed with the site development.

6. A Restrictive Covenant guaranteeing the construction of the full half street improvements for Grand Valley Parkway upon development of any adjoining parcel must recorded on the parcel prior to approval of the civil improvement plans.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. All proposed entrance gates shall be setback a minimum of 50 feet from the right-of-way.
9. All onsite and offsite access roads must meet all applicable Clark County Health District - Division of Air Quality Management Standards.
10. As a condition of receiving water and sewer service, applicant shall enter into a development agreement with the City under the terms and provisions approved by the City Council.

**Bob Gronauer, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

7. APPROVAL OF A TRAFFIC STUDY UPDATE IS REQUIRED PRIOR  
TO SUBMITTAL OF THE CIVIL IMPROVEMENT PLANS.

MOTION: Commission Aston  
SECOND: Vice-Chairman Brown  
AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Trivedi,  
Perkins, and DePhillips  
NAYS: None  
ABSTAIN: None

**Item No. 1 was heard next.**

**OLD BUSINESS**

10. **UN-44-09 (39359) CHECKERS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FOOD IN THE FAST LANE LLC, ON BEHALF OF MALIGAYA ASIAN CENTER, 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 NORTH OF CRAIG ROAD AND APPROXIMATELY 500 FEET EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-215-024. (CONTINUED AUGUST 12 AND SEPTEMBER 9, 2009)**

It was requested by the applicant to withdraw UN-44-09.

ACTION: WITHDRAWN

**Item No. 11 was heard next.**

11. **UN-52-09 (39627) MCDONALD'S AT CHEYENNE & LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SPECTRUM SURVEYING & ENGINEERING ON BEHALF OF MORTONS INVESTMENT GROUP, LP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 1000 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-403-005. (CONTINUED SEPTEMBER 23, 2009)**

It was requested by the applicant to continue UN-52-09 to October 28, 2009.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO OCTOBER 28, 2009

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

**Item No. 12 was heard next.**

- 12. T-1335 (39314) DECATUR DESERT PLAZA. AN APPLICATION SUBMITTED BY DECATUR DESERT PLAZA, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-401-003. (CONTINUED AUGUST 12, SEPTEMBER 9 AND 23, 2009)**

It was requested by the applicant to continue T-1335 to November 24, 2009.

**ACTION:** CONTINUED TO NOVEMBER 24, 2009

**MOTION:** Vice-Chairman Brown

**SECOND:** Commissioner Trivedi

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

**NAYS:** None

**ABSTAIN:** None

**First Public Forum was heard next.**

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 6:53 p.m.

APPROVED: November 24, 2009

/s/ Dean Leavitt  
Dean Leavitt, Chairman

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