

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

April 8, 2009

BRIEFING: 5:47 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

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

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

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

WELCOME: Chairman Angelo Carvalho

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Joseph Carvalho of Boy Scout Troop No. 171

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MARCH 11, 2009.**

ACTION: APPROVED

MOTION: Commissioner Cato

SECOND: Commissioner Brown

AYES: Chairman Carvalho, Commissioners Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

Item No. 3 was heard next.

NEW BUSINESS

1. **UN-11-07 (38372) TUTOR TIME ANN ROAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NATIONAL RETAIL DEVELOPMENT PARTNERS ON BEHALF OF RCS CAPITAL DEVELOPMENT LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME AND AMENDMENT FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT FOR A CHILD CARE FACILITY. THE PROPERTY IS LOCATED NORTH OF ANN ROAD AND APPROXIMATELY 620 FEET EAST OF ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-29-401-007.**

The application was presented by Robert Eastman, Principal Planner who explained the application was previously approved for a 22,400 square foot child care facility and with the new proposal, the applicant was proposing a smaller building with a slightly different architectural theme to the building, which was more of an easier rectangular shaped building. The applicant was proposing 47 parking spaces, which was in compliance with the parking requirements and the building was in compliance with the Architectural Design Guidelines for a commercial structure; therefore, Staff was recommending approval of UN-11-07 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Submit a revised copy of landscape plan showing
 - a) The parking lot that abuts Ann Road must be setback twenty (20) feet from the property line and shall be screened by landscaping. Street trees must be planted along Ann Road in accordance with Title 17 requirements. A minimum of 60% percent ground coverage shall be provided in all landscape areas within two years that a Certificate of Occupancy is issued.
4. The extension of time for UN-11-07 will expire on February 28, 2011.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. The developer will not be allowed to cut Ann Road.
7. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement

plans.

8. 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.
9. 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.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner shall sign a restrictive covenant for utilities.
12. If the property is divided in the future, the applicant must submit a commercial subdivision map.
13. 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 access adjacent to the right-of-way.
14. A revocable encroachment permit for landscaping within the public right of way is required.
15. All off-site improvements must be completed prior to final inspection of the first building.
16. Show all recorded easements on the site plan.
17. Approval of a traffic study is required prior to submittal of the civil improvement plans.
18. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
19. The public street geometrics, width of over-pave and minimum acceptable thickness of the pavement sections will be determined by the Department of Public Works.
20. 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.

21. 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.
22. Fire Department apparatus access lanes shall be provided within 150 feet of all exterior ground floor walls of all buildings/structures or any portion of facilities as the hose lays unless an alternate method is approved by the Fire Department.
23. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
24. Exterior walls located at five (5) feet away from property lines shall be fire rated walls per IBC 2006 requirements.

John Shields with National Retail Development Partners, 3131 East Camelback Road #420, Phoenix, AZ 85016 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. The following participants came forward:

- **Donna Eardley, 5634 Via Victor Street, North Las Vegas, NV 89031** indicated her property abutted the proposed site and she was opposed to the application, as there was already difficulty getting in and out of their street due to the volume of traffic on Ann Road. She asked if the entrance on Ann Road would remain or if it would be altered.

Mr. Eastman responded Via Victoria Street would not change as the applicant was proposing access on and off of Ann Road. The proposed site plan would not require changes to Ann Road.

- **David Hargreaves, 5634 Via Victoria Street, North Las Vegas, NV 89031** indicated he had been opposed to the original application for a day care and submitted a letter signed by more than 25 residents in the area. He pointed out there was only one way in and out of his neighborhood and had difficult time entering or leaving their development. He also submitted a list of reasons they were opposed to the day care use. He was also concerned the noise from the facility would interfere with the use of his backyard.

Chairman Carvalho closed the Public Hearing.

Mr. Shields pointed out they were sensitive to the homes to the west of the site and had

oriented the building so that it sat on the west side of the property so the playground would be along the channel away from the homes and there would be a buffer between the homes and the children playing on the playground.

Commissioner Steve Brown was in support of the application.

Commissioner Jo Cato asked the applicant what guarantee the Commission had that the residents would not have to come back, if the day care was not built and they needed to request another extension of time.

Mr. Shields responded the applicant had just obtained the property and they understood the residents' concerns and had every intention of building the facility within a year.

Commissioner Jay Aston asked if there was an opening in the median for the residents to make a left turn out of their development.

Vidya Medisetty of Public Works responded there was not, it was right in/right out only.

Jennifer Doody of Public Works indicated there was a left in but no left out when heading east on Ann Road.

Commissioner Aston thought most of the issues being raised would be addressed through the conditions attached to the application and asked if there would have to be any other applications brought before the Commission regarding the proposed use.

It was indicated there was not.

Chairman Carvalho asked the hours of operation.

Mr. Shields responded the facility would be open from 6 a.m. to 6 p.m. Monday through Friday.

Chairman Carvalho was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Trivedi

AYES: Chairman Carvalho, Commissioners Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

2. **SPR-05-09 (38453) CIVIC CENTER WAREHOUSE DISTRIBUTION CENTER. AN APPLICATION SUBMITTED BY EQUITY BUILDING SERVICES ON BEHALF OF QUAIL AVENUE, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A DISTRIBUTION CENTER CONSISTING OF APPROXIMATELY 126,000 SQUARE FEET. THE PROPERTY IS LOCATED WEST OF CIVIC CENTER DRIVE AND APPROXIMATELY 350 FEET NORTH OF GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-12-201-011.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to build a class A industrial warehouse building that would be constructed primarily of concrete tilt-up panels with facade treatments and accents through the use of color and architectural features. The plan had 141 off-street parking spaces, which was in compliance with the parking requirement of 136 spaces. Landscaping was being provided along both the street frontage and along the foundation and parking lot.; therefore, staff felt that since the building was in conformance with the Commercial Design Standards and the sites was appropriate for the neighborhood, they were recommending approval 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. Development of the site shall comply with the Industrial Development Standards and Design Guidelines, including but no limited to the following;
 - a. The roof mechanical equipment shall be screened to the height of the tallest equipment and or integrated with the building design.
 - b. All perimeter walls / fences if provided shall be constructed at the back of the landscape buffer along the property lines adjacent to civic Center Drive and or I-15.
3. Approval of a traffic study is required prior to submittal of the civil improvement plans.
4. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Civic Center Drive.
5. 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.

6. The property owner is required to grant a roadway easement for commercial driveway(s).
7. Landscaping plans submitted to the City for review and approval must show sight visibility zones. Only ground cover plants will be permitted in these areas.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
10. 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. Civic Center Drive.
11. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
13. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.
14. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
15. All off-site improvements must be completed prior to final inspection of the first building.
16. The developer is responsible for acquiring any roadway, drainage, or utility easements needed to construct the project.
17. The property owner is required to sign a restrictive covenant for utilities.

18. The fire access lanes shall be marked per the fire code to prohibit parking in accordance with the Fire Code.

Chris Thompson with RCI Engineering and Survey, 3281 South Highland Drive, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Chairman Carvalho, Commissioners Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

3. **SPR-04-09 (38432) S1-CRAIG ROAD & 5TH ST. PRESSURE LIMITING STATION. AN APPLICATION SUBMITTED BY SOUTHWEST GAS CORPORATION ON BEHALF OF BEAUDEE CORP., PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW WAIVERS FROM THE COMMERCIAL DEVELOPMENT STANDARDS AND DESIGN GUIDELINES TO ALLOW A FIVE (5) FOOT PERIMETER LANDSCAPE AREA ALONG CRAIG ROAD WHERE 20 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A 100% DECORATIVE ROCK GROUND COVER WITHIN THE PERIMETER LANDSCAPE AREA WHERE PLANT MATERIALS PROVIDING A MINIMUM OF 60% GROUND COVERAGE IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-02-214-004.**

ACTION: WITHDRAWN

Item No. 1 was heard next.

OLD BUSINESS

4. **UN-22-09 (38336) DOTTY'S #46 AT LAKE MEAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DOTTY'S ON BEHALF OF CORNER SHOPPING CENTER, INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO ALLOW THE REMODEL/ALTERATION OF AN EXISTING NON-RESTRICTED GAMING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-310-001 AND 139-24-310-002. (CONTINUED MARCH 25, 2009)**

The application was presented by Marc Jordan, Planning Manager who explained Staff had no objection and explained because the use was non-restricting, there was a section in Title 5 that allowed someone to come forward to the Commission and the Redevelopment Agency to request permission to perform these types of improvements that would normally not be allowed. The applicant was proposing to do improvements to the existing building that would show a new facade. Staff was recommending that on the east elevation, where there was existing smooth face block, that the stucco be extended around to that area. In addition, the applicant was proposing to install new landscaping on the site, where none currently existed, which Staff had no objection to, except for the areas in the parking lot where the pavement had to be cut, that landscaping be incorporated within those areas, which would not require a loss of any parking. The applicant would be discussing the status of the Gaming Enterprise District (GED) on the site. Staff was supporting the application, but there was a condition that referred to the GED only being limited to the suite in which the applicant was proposing for the non-restricted license, which was only about 3500 square feet of the 6,000 or more square foot building. However, the applicant submitted a letter from their professional, Patricia Becker and Associates, who had reviewed the GED indicating the whole site was covered under a GED and that decision would be up to the Commission and forwarded to the Redevelopment Agency for consideration. Staff was recommending approval of UN-22-09 subject to the conditions listed in the Memorandum dated April 8, 2009 with Condition No. 4 being replaced with the following: "All building and site improvements, as generally depicted on the accompanying plans, shall be completed prior to the issuance of a building "Certificate of Occupancy" for the casino" and deleting Condition No. 5. If the Commission determines the GED applies to the entire property, there would be an amendment to Condition No. 2 that would be read into the record. The original conditions listed in the Memorandum are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The interior remodeling shall be limited to the existing area of the non restrictive gaming establishment.

3. The applicant shall provide landscaping between the parking stalls and sidewalks along Lake Mead Boulevard and Civic Center Drive. Landscape areas shall contain at minimum six (6) Mediterranean Fan Palm trees in place of the Acacia and Sumac Trees next to Lake Mead Boulevard and Civic Center Drive. All planter areas shall contain 60% ground cover within two years of maturity.
4. The remodeling of the exterior facade of the building and the interior casino shall commence concurrently, and all improvements to the building and site shall be complete prior to the issuance of a building "Certificate of Occupancy" for the casino.
5. A trash enclosure areas shall be provided for the commercial development subject to staff review and approval.
6. The driveway, on Civic Center Drive, must be reconstructed to comply with the *CCAUSD #226* in order to meet current ADA requirements.
7. Appropriate mapping is required to combine the two parcels. 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.

George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant pointing out the site was unique, as the application covered three parts of the Code, two of them being in Title 17 and the Redevelopment Code, which had its own set of rules and regulations and Title 5, the Business License Code, which provides a unique opportunity for non-restricted gaming facilities to apply for a use permit to alter and expand. He showed pictures of the existing building, which showed outdated architectural style, lack of landscaping, and the existing signage was out of context with the size and scale of the site. They were trying to bring the site to current requirements as much as possible, realizing there was only so much that could be done, given the size of the site. Mr. Garcia showed a rendering of the remodeled building. He explained the property was divided into two lots, with the property line being through the middle of the building. If approved, they would remove one of the parcel lines. The GED map from 2004 depicted the southeast corner of Lake Mead Boulevard and Civic Center Drive, which showed that the GED encompassed both parcels. The 2008 GED map also showed the site as a GED, but without the parcel line, so he believed the entire site was within the GED and submitted a letter prepared by Patricia Becker and Associates with her opinion on the site supporting the fact that both parcels on the site are located entirely within the GED. It was the intent, that if the use did well and as the tenant spaces became available, they would be able to expand into the abutting tenant spaces.

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

Chairman Carvalho closed the Public Hearing.

Chairman Angelo Carvalho asked if something would be done with the trash enclosure at a later date.

Mr. Garcia responded there was not much opportunity to relocate the trash enclosure, but it would be completely enclosed with a cover.

Mr. Garcia also submitted an e-mail from Dr. James Carpenter, neighboring property owner, who was in support of the application.

Chairman Carvalho asked what type of palms would be installed in the landscaping.

Mr. Garcia responded the palms would be a small trunk variety, as the landscape area was small and there were overhead power lines and there was a condition to address the specific plant material due to the site constraints.

Commissioner Dilip Trivedi asked if size limitations were put on a GED.

Mr. Jordan explained with a GED, an applicant usually applied for an area to be zoned and the reason Staff and the applicant were not in agreement on the current application, was because Staff went back to when SB-208 was adopted and determined the GED applied to the current facility only.

Commissioner Trivedi asked the City Attorney if the application had been reviewed.

Bethany Sanchez, Deputy City Attorney responded she reviewed the letter from Ms. Becker and explained her understanding of SB-208 was that whatever entitlements that existed at the time SB-208 was approved, was what was grand fathered in, so the applicant had to provide sufficient documentation to prove whether the GED included the footprint of the building, a room in the building or the entire site. She explained it was up to the Commission and the Redevelopment Agency to determine what the original square footage was for the Gaming License.

Mr. Garcia explained it was his and Ms. Becker's determination from the analysis that the State Statutes allowed different options, one of which was to not designate a site at all, to leave the GED designation off of the property entirely, which was not done on the proposed site. The main goal was to notify communities to give them the choice to keep casinos from the neighborhood encroachment, unless it was otherwise approved and the residents were fully notified. The City had an option to designate whatever they wanted and in most instances, it was done for the properties, not for the buildings.

Commissioner Dilip Trivedi had no objection to the application and the applicant expanding into the other suites on the site.

Commissioner Jo Cato asked Staff if the Commission desired to approve the application, if Condition No. 5 would be deleted also asked for clarification of which condition would be added.

Mr. Jordan, clarified Staff was supportive of the project and if approved were recommending that Condition No. 4 be replaced, Condition No. 5 be deleted and if the Commission determined the GED applied to the entire site Condition No. 2 would be amended to read: "The interior remodeling, including any expansion of the casino, shall be limited to the existing footprint of the building."

Commissioner Cato asked Mr. Garcia if he was in agreement to the amendment to Condition No. 2.

Mr. Garcia responded he was in concurrence.

ACTION: APPROVED WITH THE GED BEING APPLIED TO THE ENTIRE SITE AND SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 5 AND CONDITION NOS. 2 AND 4 AMENDED TO READ:

2. THE INTERIOR REMODELING, INCLUDING ANY EXPANSION OF THE CASINO, SHALL BE LIMITED TO THE EXISTING FOOTPRINT OF THE BUILDING.
4. ALL BUILDING AND SITE IMPROVEMENTS, AS GENERALLY DEPICTED ON THE ACCOMPANYING PLANS, SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A BUILDING CERTIFICATE OF OCCUPANCY FOR THE CASINO.

FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION.

MOTION: Commissioner Cato
SECOND: Commissioner Trivedi
AYES: Chairman Carvalho, Commissioners Aston, Brown, Cato and Trivedi
NAYS: None
ABSTAIN: None

5. **UN-09-09 (37932) NORTHGATE FOURSQUARE CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARK LEBSACK ON BEHALF OF INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF WASHBURN ROAD AND DONNA STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-302-001 THROUGH 124-35-302-003. (CONTINUED MARCH 25, 2009)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing a building approximately 14,000 square feet in size with a sanctuary seating area of 350 seats on approximately 4.75 acres. The applicant was only proposing to develop a portion of the property with future expansion. As part of the application, the applicant was requesting a waiver from the meandering sidewalk requirement along Washburn Road. The building complied with the Design Standards, with the exception that some of the mechanical equipment on the roof could be seen from view, so additional screening would be required and the parking was in compliance. A few minor changes the Staff would like to see, was that the applicant was proposing approximately 24 feet of landscaping, which includes the sidewalk along Washburn Road, where 25 feet was required, that would include the five foot sidewalk and also the applicant was proposing approximately 19.8 inches of landscaping along the south property line, where 20 feet was required and the applicant was also required to provide foundation landscaping around the building. In considering the request for a waiver from the meandering sidewalk requirement, Staff was not supporting the request. A memorandum was received from the Police Department indicating they were also not in support of the waiver as it did not comply with the Crime Prevention Through Environmental Design (CPTED) Standards. The applicant also indicated a meandering sidewalk would have a negative cost impact on the church and according to the zoning ordinance, financial cost of improvements could not be considered. Staff had no objection to the use and was recommending approval of UN-09-09 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 shall comply with all of the Commercial Design Standards and Design Guidelines, including but not limited to the following:
 - a. Decorative metal roofs shall be used on the building instead of the regular metal or corrugated roofs.
 - b. Any mechanical equipment on the roof shall be properly concealed with parapet walls on all sides and detailed with cornices like elements.

- c. Provide meandering sidewalks along the frontage of Washburn Road and Donna Street.
3. A minimum of twenty five (25) feet of perimeter landscape area including a five (5) foot wide sidewalk must be provided prior to the completion of phase-1 construction along the frontage of Washburn Road and Donna Street.
4. A minimum of twenty (20) foot landscape buffer areas along the west and south property lines must be provided prior to the completion of phase-1 construction.
5. Street trees must be planted along all public streets Washburn Road and Donna Street and landscape buffer areas in accordance with Title 17 requirements. A minimum of 60% percent ground coverage shall be provided in all landscape areas within two years that a Certificate of Occupancy is issued.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans if schooling is proposed during the weekdays.
7. The civil improvements shall include schedule 40 PVC fiber optic conduit along the project's Washburn Road frontage.
8. Driveway locations are subject to review and approval of by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code.
9. A Merger and Resubdivision parcel map shall be filed. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
10. Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and *City of North Las Vegas Municipal Code* section 16.24.100.B.
 - a. Washburn Road
 - b. Donna Street
11. The property owner is required to grant a pedestrian access easement for sidewalk within any common element or landscape area adjacent to the right-of-way.
12. A revocable encroachment permit for landscaping within the public right of way is required.

13. 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.
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. The property owner is required to sign a restrictive covenant for utilities.
16. All Nevada Power Company easements and poles must be shown and shall be fully located within the landscape area. If any poles need to be relocated, it will be at the expense of the developer.
17. All known geologic hazards shall be shown on the tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans.
18. Approval of a drainage study is required prior to submittal of the civil improvement plans.
19. 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.
20. Fire access lanes shall be marked in accordance with the Fire Code to prohibit parking on both sides.
21. The access drive across the future development is to serve as part of the fire access lane and must be paved prior to certificate of occupancy.

Commissioner Dilip Trivedi disclosed he had worked for the applicant previously on a tenant improvement project and had also given a proposal for the current project approximately six months ago, but did not feel his judgement would be affected.

Ed Taney with Taney Engineering, appeared on behalf of the applicant indicating they were in concurrence with Staff recommendation and asked for some clarification. A use permit was approved previously and an approved traffic study and drainage study and improvement plans were being processed. With the hydrology study, there was a mandate by Public Works to extend the storm drain, not only along the frontage of the site, but down Washburn Road also, which was tying into an existing system located to the west of the site

and extends to North 5th Street. There was a desire to extend the off-site storm drain system in an easterly direction approximately 800 feet to tie into an existing system, which was felt to be a hardship because it was built out and there were existing subdivisions on either side of the street. They did not have an issue extending the storm drain from an existing one in Washburn Road along the site's frontage down to Donna Street, but the problem was extending it down the developed asphalt and tying into an existing system. He indicated they had met with Public Works who agreed it was not necessary to extend to the east of Donna Street.

Jennifer Doody of Public Works agreed with Mr. Taney.

Mr. Taney also pointed out that Washburn Road had attached sidewalk up and down the corridor from North 5th Street to the east of Donna Street. He understood there was an ordinance and a new policy requiring meandering sidewalks, but was hopeful to have the waiver approved to have an attached sidewalk that was consistent with the surrounding area and asked for Condition No. 2.c to be amended.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown asked if all sidewalks in the area were attached to back of curb.

Commissioner Brown preferred meandering sidewalks, but in the past they had been waived in order to maintain an appearance in a neighborhood and asked what type of sidewalks were existing on Donna Street.

Mr. Taney responded he had driven Donna Street and sidewalks were also attached to back of curb.

Mr. Jordan showed an overhead view of the area.

Commissioner Brown indicated he was supporting Staff recommendation for a meandering sidewalk.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Chairman Carvalho

AYES: Chairman Carvalho, Commissioners Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

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 6:58 p.m.

APPROVED: May 13, 2009

/s/ Harry Shull
Angelo Carvalho, Chairman

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