

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

June 24, 2009

BRIEFING: 5:38 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

WELCOME: Chairman Angelo Carvalho

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

STAFF PRESENT: Frank Fiori, P & Z Director
Robert Eastman, Principal Planner
Mary Aldava, Sr. Planner
Nick Vaskov, Assistant City Attorney
Lorena Candelario, PW Real Property Mgmt.
Vidya Medisetty, Public Works
Janice Carr, Fire Department
Jose Rodriguez, Police Department
Xiaohui Yu, Utilities
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Vice-Chairman Harry Shull

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MAY 13, 2009.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: Vice-Chairman Shull

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MAY 27, 2009.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: Vice-Chairman Shull

Item No. 7 was heard next.

NEW BUSINESS

1. **ZN-02-09 (38930) JN NTH FIFTH PROJECT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JERRY'S NUGGET INC., PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO AN R-A/CHE, REDEVELOPMENT AREA/CASINO/HOTEL/ENTERTAINMENT SUBDISTRICT. THE PROPERTIES ARE LOCATED SOUTH OF WILLIAMS AVENUE APPROXIMATELY 163 FEET WEST OF LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-23-310-034, 139-23-310-035 AND 139-23-310-036. (MOVED FROM JUNE 10, 2009 MEETING DUE TO LACK OF A QUORUM)**

The application was presented by Robert Eastman, Principal Planner who explained the the applicant was proposing to use the area as a parking lot. The proposed rezoning was in conformance with the Downtown Master Plan therefore, Staff recommending approval of ZN-02-09.

Peter DeMangus, 1821 Las Vegas Boulevard North, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he 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: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

2. ZOA-02-09 (38961) CNLV - LIQUOR USES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.24.105.C. TO AMEND PROXIMITY DISTANCE REQUIREMENTS FOR "OFF-SALE" LIQUOR USES AND OTHER MATTERS PROPERLY RELATED THERETO. (MOVED FROM JUNE 10, 2009 MEETING DUE TO LACK OF A QUORUM)

The application was presented by Robert Eastman, Principal Planner who explained the proposed amendment would add a 500 foot separation between any proposed liquor store use and any developed residential property. The distance separation requirement was the same as currently used for all on-sale uses. Staff was directed by City Council to prepare the proposed amendment. Staff was recommending that ZOA-02-09 be approved and forwarded to City Council for final consideration.

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 Leavitt

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

NAYS: None

ABSTAIN: None

Commissioner Jay Aston entered Chambers at 6:11 p.m.

3. ZOA-03-09 (38962) CNLV - PAWNSHOPS & AUTO TITLE LOANS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.24.020.C. (PAWNSHOPS) AND (AUTO TITLE LOANS) TO AMEND PROXIMITY DISTANCE REQUIREMENTS AND OTHER MATTERS PROPERLY RELATED THERETO. (MOVED FROM JUNE 10, 2009 MEETING DUE TO LACK OF A QUORUM)

The application was presented by Robert Eastman, Principal Planner who explained City Council directed Staff to make the distance separation requirements for pawn shops to be the same as those for auto title loan establishments. City Council feels that most auto title loan and pawn shops are generally located in the same physical location; therefore, both uses should have similar requirements. The amendment would require pawn shops to have a three (3) mile separation requirement instead of the current two miles and would also add a 500 foot separation from any developed residential, similar to what was approved with ZOA-02-09. Staff was recommending that ZOA-03-09 be approved and forwarded to City Council for final consideration.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

4. SPR-07-09 (38928) UNIVERSAL URETHANE INC. AN APPLICATION SUBMITTED BY T. SCOTT EVANS ON BEHALF OF JAMES HILDRETH, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A METAL BUILDING. THE PROPERTY IS LOCATED AT 4201 EAST LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-510-018. (MOVED FROM JUNE 10, 2009 MEETING DUE TO LACK OF A QUORUM)

The application was presented by Mary Aldava, Senior Planner who explained the use was currently an industrial manufacturing warehouse and was zoned M-2, General Industrial. The applicant was requesting that metal siding be allowed where stucco and/or exposed aggregate was the preferred material required for exterior facades. The three metal buildings in question were existing and were currently non-permitted construction. The first metal building was attached to the principal building and was constructed with ribbed metal siding and painted to match the existing building. The other two structures were extensively large metal patio covers, which cover a vast number of metal storage containers and various materials associated with the existing manufacturing business. Staff does not have any concerns or objections to the approval of the waiver as the proposed site plan was located within a mature industrial area, where, in previous years, there have been numerous metal buildings constructed and the majority of those buildings were constructed prior to the adoption of the Industrial Design Standards. Staff has concerns with the storage of materials under and near the structures along Eaker Street, which are visible from the right-of-way; therefore, Staff was requesting that a screen wall be provided along the portion of Eaker Street which abuts the storage areas for the patio structures. Staff was recommending approval of SPR-07-09 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. The metal building shall be painted to match the primary structure and all modifications to the structure must be reviewed and approved through the building permit process.
3. All roof mechanical equipment shall be screened to the height of the tallest equipment and or integrated with the building design.
4. A 100 percent opaque screening wall shall be provided at the back of landscaping along Eaker Street to screen the outdoor storage areas.
5. The fire access lanes shall be designed and located in accordance with Fire Code requirements.

Terry Scott Evans, 9840 West Tropical Parkway, Las Vegas, NV 89149 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

5. **SPR-08-09 (38935) WEBSITE BUSINESS PARK. AN APPLICATION SUBMITTED BY PASSCO COMPANIES DEVELOPMENT ON BEHALF OF PCDC DEVELOPMENT FUND 2006 LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDUSTRIAL DEVELOPMENT CONSISTING OF APPROXIMATELY 270,450 SQUARE FEET. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BEESLEY DRIVE AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-27-201-025 AND 123-27-201-026.(MOVED FROM JUNE 10, 2009 MEETING DUE TO LACK OF A QUORUM)**

The application was presented by Mary Aldava, Senior Planner who explained the applicant was proposing 12 industrial warehouse buildings with a total of 247,650 square feet of warehouse space and 22,800 square feet of office space, which would be constructed in three phases. The site was in compliance with the foundation landscaping, all landscaping requirements, parking, and the elevations were in compliance with the Industrial Design Standards. The site plan also indicates that a six foot high masonry wall would be provided along the entire length of the east property line. The applicant was requesting two waivers. The first waiver was from the Industrial Design Standards which require that the buildings on corner lots be brought forward to the corner and to the front and that was for non-manufacturing or non-warehouse type buildings. Because it was primarily warehousing, Staff was supporting the applicant's request for the waiver. The second waiver was from Title 16 which would waive the throat depth requirements for a driveway approach. The request was not part of Title 17 as a administrative decision to be determined by the City's Traffic Engineer. Staff was in support of the application and was recommending approval of SPR-08-09 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Industrial Design Guidelines with the following exception.
 - a. The office/warehouse buildings can be oriented away from the street intersections.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Approval of a traffic study is required prior to submittal of the civil improvement plans.

5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway.
6. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 1. Tropical Parkway
 2. Beesley Drive
 3. Azure Avenue
 4. associated spandrels
7. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
8. 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.
9. 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.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner is required to sign a restrictive covenant for utilities.
12. Construction of a 32-foot access road on Tropical Parkway to the nearest paved street is required.
13. A construction phasing plan, depicting onsite development and supporting offsite improvements, as well as construction access routes, shall be provided by the developer. Approval by the Department of Public Works is required prior to the issuance of any permits.
14. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
15. Fire access lanes shall be designed and located in accordance with the Fire Code requirements.
16. The applicant shall sign agreement with the City to participate in the Sewer SID cost sharing prior to the City processing an inter-local agreement with Clark County (or prior to mylar approval).

Lupe Gracia, 6655 South Cimmaron, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he concurred with Staff recommendation and requested a two year approval for the site plan review, rather than the one year.

Robert Eastman, Principal Planner explained according to the Title 17 Administrative Procedures, it states that a major site plan review was approved for one year and the code did not allow any ability to grant a longer time frame, so the approval would only be allowed for one year.

Carey Levy of PASSCO Development, 96 Corporate Park #200, Irvine, CA 92606 inquired if an administrative change could be granted by the Commission and, if not, if there was a process available to have the approval extended for more than one year.

Nick Vaskov, Assistant City Attorney explained the Code specified one year and there was no discretion in the Code to allow it to be changed. The only way to make a change would be to change the Code, which would have to be done by City Council.

Mr. Levy asked what the process would entail.

Chairman Carvalho explained he would have to contact City Council to see if they were willing to request the change.

Commissioner Dean Leavitt explained to the applicant that they could request an extension of time before the application expired.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

6. T-1334 (38936) PASSCO INDUSTRIAL DEVELOPMENT. AN APPLICATION SUBMITTED BY PASSCO COMPANIES DEVELOPMENT ON BEHALF OF PCDC DEVELOPMENT FUND 2006 LLC, PROPERTY OWNER, FOR AN APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A ONE (1) LOT INDUSTRIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BEESLEY DRIVE AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-27-201-025 AND 123-27-201-026. (MOVED FROM JUNE 10, 2009 MEETING DUE TO LACK OF A QUORUM)

The application was presented by Mary Aldava, Senior Planner who explained the application was for the related tentative map to SPR-08-09 for a one lot subdivision. Staff was recommending approval of T-1334 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. Approval of a drainage study is required prior to submittal of the civil improvement plans.
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 Tropical Parkway.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 1. Tropical Parkway
 2. Beesley Drive
 3. Azure Avenue
 4. associated spandrels
6. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
7. 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.

8. 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.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. Construction of a 32-foot access road on Tropical Parkway to the nearest paved street is required.
12. A construction phasing plan, depicting onsite development and supporting offsite improvements, as well as construction access routes, shall be provided by the developer. Approval by the Department of Public Works is required prior to the issuance of any permits.
13. The applicant shall sign agreement with the City to participate in the Sewer SID cost sharing prior to the City processing an inter-local agreement with Clark County (or prior to mylar approval).
14. Must comply with all conditions submitted by the Southern Nevada Health District including but not limited to:
 - a. Provide the seasonal high groundwater depth below grade or provide a statement that seasonal high groundwater is greater than 20 feet below the ground surface.
 - b. A letter from the appropriate sewer agency stating that service from the existing system of community sewerage will be extended to the subdivision and the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service or that the facility will be expanded to provide for the added service.
 - c. A letter from the appropriate water utility stating that it will supply water for domestic and fire protection purposes, that the system has the necessary facilities to treat water to meet the standards of the Water Supply Regulations Part 1, and that the capacity is available to meet the demands upon the system.
 - d. Written verification from the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the **Final Map** or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.

Lupe Gracia, 6655 South Cimmaron, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

Item No. 8 was heard next.

7. **VAC-04-09 (39012) VACATION OF TONOPAH TO J. NUGGET, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JERRY'S NUGGET INC., PROPERTY OWNER, TO VACATE A PORTION OF TONOPAH STREET BETWEEN NORTH FIFTH STREET AND LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-302-001.**

It was requested by the applicant to continue VAC-04-09 to July 22, 2009.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 22, 2009

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

Item No. 13 was heard next.

8. **UN-31-09 (38971) DRAEGER SAFETY DIAGNOSTIC, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DRAEGER SAFETY DIAGNOSTIC, INC. ON BEHALF OF THE LEIBSOHN FAMILY TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTO SERVICE FACILITY. THE PROPERTY IS LOCATED AT 3433 LOSEE ROAD, SUITE 8. THE ASSESSOR'S PARCEL NUMBER IS 139-11-701-006.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed use was in an existing industrial building. The total size of the building was approximately 12,000 square feet, with a 10,000 square foot outside storage area. The building was constructed in 1982, so it was only in conformance with the Design Standards as they pertained in 1982, which were quite different than they were currently; therefore, the applicant was in compliance with the parking requirements and parking standards. Staff did not feel the use was detrimental to the area and the applicant had adequate facilities for the use; therefore, Staff was recommending approval of UN-31-09 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. All vehicles parked over night must be located behind screened fencing or stored indoors.

Frank Mendoza, 5855 Valley Drive, Las Vegas, NV 89031 appeared on behalf of the applicant indicating he 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 Leavitt

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

NAYS: None

ABSTAIN: None

9. **UN-33-09 (39013) GROUND SET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAVID DOUGLAS ON BEHALF OF 3853, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTO SERVICE FACILITY AND RETAIL STORE. THE PROPERTY IS LOCATED AT 3853 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-032.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to perform auto stereo installation, window tinting, and associated uses in the M-2 District. The site had ample parking. The building was constructed in 2002 and the application was in conformance with the Design Standards, which were very similar to what was currently in existence and the use would not be detrimental to the neighborhood and was in conformance with the requirements for the use permit. Staff was recommending approval of UN-33-09 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. All vehicles parked over night must be located behind screened fencing or stored indoors.

David Douglas, 10582 Bonchester Hill Street, Las Vegas, NV 89141 appeared on behalf of the applicant indicating he 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: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

10. **UN-34-09 (39022) FREHNER FUEL TANKS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FREHNER CONSTRUCTION COMPANY ON BEHALF OF JRTL, LTD., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (27,500 GALLONS OF DIESEL FUEL IN TWO (2) ABOVE GROUND STORAGE TANKS). THE PROPERTY IS LOCATED AT 3101 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-304-004 AND 139-01-702-004.**

The application was presented by Mary Aldava, Senior Planner who explained the applicant was proposing the use of two above-ground storage tanks for the purpose of transferring bulk fuel to 1,000 and 2,000 gallon refueling trucks, which in turn would transport the diesel to fuel to heavy equipment and trucks at construction sites throughout the Las Vegas Valley. The proposed location for the storage tanks on the site appear to propose no adverse impacts to adjacent properties and the applicant has included a list of eight environmental and safety controls that would be used or implemented for the use. Staff was recommending approval of UN-34-09 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 UN-34-09 shall be site-specific and nontransferable.
3. That there shall be an adequate amount of lighting as to illuminate the area around the tanks during night time hours.

Mark Miller, Frehner Construction, 3101 East Craig Road, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he 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: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

11. UN-89-08 (39041) RUBY DUNCAN ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A PSP, PUBLIC/SEMI-PUBLIC DISTRICT TO AMEND A CONDITION REQUIRING A MEANDERING SIDEWALK. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF COMMERCE STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-001.

The application was presented by Mary Aldava, Senior Planner who explained the applicant was requesting to amend Condition No. 2.d of the previously approved conditions for UN-89-08. Condition No. 2.d pertains to the design of the meandering sidewalk along Rome Boulevard and a minimum of five foot separation for the sidewalk from the back of the street curb along Rome Boulevard. The applicant was currently in the process of civil improvement plan review and the final grading and location of essential utility service cabinets had presented a conflict with Condition No. 2.d. In addition, the conflicts between the site design, as depicted on the civil improvements plans, and adherence to Condition No. 2.d presents a challenging task to maintaining ADA compliance for the sidewalk. As proposed on the site plan submitted with the application, the sidewalk would meander and maintain a five foot separation where it was feasible and would deviate from the requirements of Condition No. 2.d for approximately 315 lineal feet along Rome Boulevard. Staff had no objection to the request and was recommending approval of UN-89-08. All previous conditions of approval, along with the amended Condition No. 2.d, listed 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 all of the Commercial Design Standards and Design Guidelines, including, but not limited to the following:
 - a. That a landscape buffer of 20 feet (minimum) shall be provided along the western property line.
 - b. That a landscape buffer of 25 feet (which may include a sidewalk) shall be provided along the outside of the fence adjacent to the southern property line.
 - c. That a landscape buffer consisting of 24" box trees 20 feet on center shall be provided along the western and southern property lines.
 - d. That a meandering sidewalk shall be provided along Rome Boulevard and shall maintain a minimum five (5) foot separation from the back-of-curb. Deviation from this requirement will be allowed for approximately 315± lineal feet due to the location of a DCDA cabinet, grading, and ADA compliance.
 - e. That a minimum 100 parking spaces shall be provided.
 - f. That landscaped islands, six (6) feet in width, shall be required at each end

of all rows of parking and within each row for every 15 parking spaces contained within the row.

3. That this special use permit is site-specific and nontransferable.
4. If the baseball field is constructed in the location and configuration shown on the site plan, some form of physical barrier shall be constructed adjacent to the western and southern property lines to prevent baseballs, softballs and/or kickballs from leaving the school yard and encroaching into the adjacent residential development and/or public right-of-way.
5. That the bus parking/loading area shall maintain a minimum 60 foot setback from the western property line.
6. The trash enclosure and mechanical yard shall be located to the east or north of the primary school building and shall maintain a minimum 100-foot setback from the residential zone boundary. Each structure shall have solid metal gates or doors, and roofs, and each structure shall match the primary structure in design, colors and materials.
7. Portable classrooms may be allowed and shall comply with all appropriate setbacks, life safety and parking requirements. Furthermore, prior to the placement of such classrooms a site plan shall be submitted for staff review and kept on permanent file with the use permit.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. 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.
10. Approval of a traffic study is required prior to submittal of the civil improvement plans.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Way.
12. 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.
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. A secondary means of access to the site will be required. Temporary pavement shall be provided on Deer Springs Way or Rome Boulevard to the east up to North 5th Street per *Clark County Area Uniform Standard Drawing* number 209.
15. 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.
16. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
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 if they are relocated or adjusted.
18. 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.
19. All off-site improvements must be completed prior to final inspection of the first building.
20. Fire access lanes shall be designed and located per the fire code.
21. Signs restricting parking shall be provided per the fire code.

Ray Frederickson, Per4mance Consulting & Engineering, 1170 East Center Point Drive, Henderson, NV 89074 appeared on behalf of the applicant indicating he and the School District had reviewed the recommended amendment to Condition No. 2.d and 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: Commissioner Leavitt
SECOND: Commissioner Brown
AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston,
Brown, Cato and Trivedi
NAYS: None
ABSTAIN: None

12. ZOA-05-09 (39090) TITLE 17, RANCH ESTATES PRESERVATION OVERLAY DISTRICT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), ADDING A NEW SECTION 17.20.205, CREATING AN R-E, RANCH ESTATES PRESERVATION OVERLAY DISTRICT; PROVIDING GUIDELINES FOR DEVELOPMENT WITH THE DISTRICT; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

The application was presented by Robert Eastman Principal Planner who explained the application was intended to codify what was originally approved as part of a resolution of intent for the Ranch Preservation Areas, which would make what was previously a policy recommendation through the resolution as code, to help preserve the two remaining ranch estates areas in the City. Previously, with the resolution, there were three ranch estates preservation districts shown. The City proposed to remove one of them and reduce slightly the size of the larger one, to better conform to what was currently existing land use. The proposed language, which would be added to the zoning code, was the same as listed originally in the Resolution. The purpose and intent of the ranch estates preservation was listed and adds some development regulations as they pertain more toward street layout and off-site improvements. The uses as proposed would be the same that were listed in the Ranch Estates District, so any special uses would still come before the Commission as a special use. Staff was recommending ZOA-05-09 be approved and forwarded to City Council for final consideration.

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: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

The second Public Forum was heard next.

OLD BUSINESS

13. **AMP-08-08 (35792) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO INCREASE SEVERENCE LANE BETWEEN LOSEE ROAD AND STATZ STREET FROM A 60-FOOT RIGHT-OF-WAY TO AN 80-FOOT RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008 AND MARCH 11, 2009)**

Item Nos. 13 through 18 were heard together.

Bill Curran of Ballard Spahr Law Firm, 100 City Parkway, Las Vegas, NV 89101 appeared on behalf of the applicant requesting to continue AMP-08-08 to the November 2009 meeting.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO THE NOVEMBER 2009 MEETING, DATE TO BE DETERMINED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

14. **VAC-07-08 (35796) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, TO VACATE ELKHORN ROAD BETWEEN LOSEE ROAD AND STATZ STREET; AND TO VACATE BERG STREET BETWEEN SEVERENCE LANE AND ELKHORN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008 AND MARCH 11, 2009)**

Item Nos. 13 through 18 were heard together.

Bill Curran of Ballard Spahr Law Firm, 100 City Parkway, Las Vegas, NV 89101 appeared on behalf of the applicant requesting to continue VAC-07-08 to the November 2009 meeting.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO THE NOVEMBER 2009 MEETING, DATE TO BE DETERMINED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

15. **AMP-07-08 (35791) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED-USE NEIGHBORHOOD TO RESORT COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008 AND MARCH 11, 2009)**

Item Nos. 13 through 18 were heard together.

Bill Curran of Ballard Spahr Law Firm, 100 City Parkway, Las Vegas, NV 89101 appeared on behalf of the applicant requesting to continue AMP-07-08 to the November 2009 meeting.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO THE NOVEMBER 2009 MEETING, DATE TO BE DETERMINED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

16. **ZN-20-08 (35795) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A CASINO/HOTEL. THIS PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008 AND MARCH 11, 2009)**

Item Nos. 13 through 18 were heard together.

Bill Curran of Ballard Spahr Law Firm, 100 City Parkway, Las Vegas, NV 89101 appeared on behalf of the applicant requesting to continue ZN-20-08 to the November 2009 meeting.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO THE NOVEMBER 2009 MEETING, DATE TO BE DETERMINED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

17. **GED-03-08 (35793) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008 AND MARCH 11, 2009)**

Item Nos. 13 through 18 were heard together.

Bill Curran of Ballard Spahr Law Firm, 100 City Parkway, Las Vegas, NV 89101 appeared on behalf of the applicant requesting to continue GED-03-08 to the November 2009 meeting.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO THE NOVEMBER 2009 MEETING, DATE TO BE DETERMINED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

18. **UN-64-08 (35794) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008 AND MARCH 11, 2009)**

Item Nos. 13 through 18 were heard together.

Bill Curran of Ballard Spahr Law Firm, 100 City Parkway, Las Vegas, NV 89101 appeared on behalf of the applicant requesting to continue UN-64-08 to the November 2009 meeting.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO THE NOVEMBER 2009 MEETING, DATE TO BE DETERMINED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

Item No. 19 was heard next.

19. **SPR-25-08 (36344) INDIGO APARTMENTS. AN APPLICATION SUBMITTED BY ANN ALLEN COMMONS LLC, PROPERTY OWNER FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF A 166 UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED EAST OF WILLIS STREET AND APPROXIMATELY 370 FEET NORTH OF ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-022. (CONTINUED AUGUST 27, SEPTEMBER 24, OCTOBER 22, AND DECEMBER 10, 2008 AND JANUARY 14, FEBRUARY 25, MARCH 25 AND APRIL 22, MAY 13 AND 27, 2009)**

It was requested by the applicant to continue SPR-25-08 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 1 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 6:32 p.m.

APPROVED: July 22, 2009

/s/ Dean Leavitt
Dean Leavitt, Chairman

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