

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

September 9, 2009

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

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

ROLL CALL: Chairman 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
Robert Eastman, Principal Planner
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Lorena Candelario, PW Real Property Mgmt.
Eric Hawkins, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Carolyn Keller, Utilities
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dean Leavitt

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Laura Perkins

PUBLIC FORUM

There was no public participation.

PRESENTATION

- **PRESENTATION OF PLAQUES TO OUTGOING COMMISSIONERS HARRY SHULL AND ANGELO CARVALHO FOR THEIR YEARS OF SERVICE ON THE PLANNING COMMISSION. (CONTINUED AUGUST 26, 2009)**

ACTION: Outgoing Commissioners Harry Shull and Angelo Carvalho were presented with plaques.

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 12, 2009.**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

Item No. 7 was heard next.

NEW BUSINESS

1. **UN-49-09 (39539) TRIGGS ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT ON BEHALF OF THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC PSP, MASTER PLANNED COMMUNITY PUBLIC/SEMI-PUBLIC DISTRICT TO ALLOW A SCHOOL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ROME BOULEVARD AND SOLFERINO STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-19-301-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop approximately half of the site with one school which would be approximately 50,000 square feet and a separate kindergarten building of approximately 4600 square feet and would also have the associated outdoor play areas. In addition, the applicant requested two waivers from the Design Guidelines, a waiver of the landscape fingers within the parking rows, requesting to allow the use of landscape diamonds within the parking rows instead and also requested a waiver of the screening requirements from a decorative block wall with wrought iron to chainlink fencing instead. Staff was supporting both waivers, as they had been supported for other commercial districts. Landscape diamonds within the parking row would still providing the same amount of landscaping and make it easier to comply with the parking requirements for the site. Also, the chainlink fencing was similar to other requests, such as Goynes Elementary School which was also located within Aliante and the Aliante Design Review Committee had reviewed both requests and were in support of the waivers. Staff was recommending approval of UN-49-09 with the following amendments: Condition No. 2.a would be amended to read: "Landscaped areas at least twenty feet (20') in width shall be provided from the property line adjacent to Rome Boulevard;" Condition No. 2.d would be added to read: "Landscape diamonds shall be provided as shown on the site plan;" Condition No. 3 would be amended to read: "The existing patent easement and right-of-way grants for portions of Rome Boulevard, Solferino Street, Stellar Jay Way, and Inca Dove Street must be vacated and/or abandoned prior to school opening;" Condition No. 7 would be amended to read: "Dedication of all portions owned by Clark County School District 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. Rome Boulevard, b. Solferino Street, c. Stellar Jay Way, d. Inca Dove Street;" Condition No. 12 would be amended to read: "All off-site improvements must be completed prior to the school opening;" and Condition No. 15 would be deleted. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

2. The development shall comply with all of the Commercial Design Standards and Design Guidelines, including, but not limited to, the following:
 - a. Landscaped areas (which may include sidewalks) at least twenty-five feet (25') in width from back of curb to perimeter walls / fence shall be maintained adjacent to Rome Boulevard.
 - b. A minimum 10 foot wide landscape buffer (which may include sidewalks) shall be maintained from back of curb to perimeter walls / fence adjacent to Stellar Jay Way & Solferino Street.
 - c. That single-score precision block only be used as an accent.
3. The existing patent easement granted to Clark County per Document 20061017:005387 is required to be vacated and/or abandoned.
4. Approval of a technical drainage study is required prior to submittal of the civil improvement plans.
5. Conformance to the Aliante Master Conceptual Drainage Study is required prior to submittal of the civil improvement plans.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways and City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Rome Boulevard
 - b. Solferino Street
 - c. Stellar Jay Way
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 24 feet as measured from lip of gutter to lip of gutter.
9. The developer will be required to install 'No Parking' signs on all street frontages
10. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
11. All NV Energy 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.

12. All off-site improvements must be completed prior to final inspection of the first building.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. APN 124-19-301-006 must be dedicated as right-of-way to the City of North Las Vegas.
16. 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.
17. 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.
18. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
19. 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 past the project boundary.
20. This application shall comply with the *City of North Las Vegas Municipal Code* and NRS 278. Conformance may require modifications to the site.
21. Fire department access roads shall be provided so that all ground floor walls are within 150' of an access route. Measurement is to be taken as a person would walk (not through walls, etc.).
22. Fire access lanes shall be 24' wide, have a 28' inner turn radius, a 52' outer turn radius and be provided with an all-weather surface, to be approved by the Fire Chief, capable of supporting the weight of emergency vehicles.
23. Fire department access roads shall be marked to prohibit parking in accordance with the Fire Code.

Linda Perri, 4212 Eucalyptus Annex, Las Vegas, NV appeared on behalf of Clark County School District stating they had worked extensively with Staff and concurred with Staff's recommendation and amendments to conditions as read into the record.

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 WITH THE DELETION OF CONDITION NO. 15 AND CONDITION NOS. 2.A, 3, 7, AND 12 AMENDED AND THE ADDITION OF CONDITION NO. 2.D AS FOLLOWS:

- 2.A LANDSCAPED AREAS AT LEAST TWENTY FEET (20') IN WIDTH SHALL BE PROVIDED FROM THE PROPERTY LINE ADJACENT TO ROME BOULEVARD.
- 2.D. LANDSCAPE DIAMONDS SHALL BE PROVIDED AS SHOWN ON THE SITE PLAN.
- 3. THE EXISTING PATENT EASEMENT AND RIGHT-OF-WAY GRANTS FOR PORTIONS OF ROME BOULEVARD, SOLFERINO STREET, STELLAR JAY WAY, AND INCA DOVE STREET MUST BE VACATED AND/OR ABANDONED PRIOR TO SCHOOL OPENING.
- 7. DEDICATION OF ALL PORTIONS OWNED BY CLARK COUNTY SCHOOL DISTRICT 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. ROME BOULEVARD
 - B. SOLFERINO STREET
 - C. STELLAR JAY WAY
 - D. INCA DOVE STREET
- 12. ALL OFF-SITE IMPROVEMENTS MUST BE COMPLETED PRIOR TO THE SCHOOL OPENING.

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-48-09 (39530) WINGSTOP RESTAURANTS, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WINGSTOP RESTAURANT INC. ON BEHALF OF CRAIG AND SIMMONS RETAIL, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (BEER-WINE-SPIRIT-BASED PRODUCTS). THE PROPERTY IS LOCATED AT 2777 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-05-713-003.**

The application was presented by Marc Jordan, Planning Manager who explained on April 26, 2006, the Commission approved a use permit for the same use at this location; however, that use permit had expired. When the application was submitted, a survey was submitted indicating they met the separation requirements from any churches, schools, City owned parks, and child care centers licensed for more than 12 children. Staff had no objections and was recommending approval of UN-48-09 with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. The use permit is site specific and non-transferrable.

Dennis Gutwald, Brownstein Hyatt Farber Schreck, 100 City Parkway, Suite 1600, Las Vegas, NV 89106 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

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

3. **VN-17-09 (39546) CAREY MART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CAREY MART ON BEHALF OF MEDHAT ARMANIOUS, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ZERO (0) SETBACK WHERE TEN (10) FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED FREESTANDING SIGN. THE PROPERTY IS LOCATED AT 1504 WEST CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-16-410-330.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting the variance because the City of Las Vegas acquired additional right-of-way, which required the property owner to remove their sign and the additional right-of-way took almost all of the landscaping next to Martin Luther King Boulevard and signs must be located within the landscaped area; so, the applicant was requesting approval of a variance to allow a zero setback where ten feet is required. Staff was supporting the variance request because it was not self-induced and, therefore, was recommending approval of VN-17-09 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. The proposed sign shall not be located within the traffic sight visibility zone.

Ed Stagner, 5119 South Cameron Street, Las Vegas, NV 891218 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

MOTION: Vice-Chairman Brown

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

4. UN-50-09 (39547) CAREY MART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CAREY MART ON BEHALF OF MEDHAT ARMANIOUS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 27 FOOT HIGH FREESTANDING SIGN. THE PROPERTY IS LOCATED AT 1504 WEST CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-16-410-330.

The application was presented by Marc Jordan, Planning Manager who explained the zoning ordinance allowed the applicant to have one 18 foot sign 125 square feet in size, which was based on the size of the commercial business, which was anything less than 25,000 square feet. Even though Staff reported the variance request for the sign, they were recommending denial as it was believed because of the setback issues, a monument sign would be better for the location. Monument signs were normally only required to be setback two feet from the property line, where a freestanding sign up to 18 feet in height or taller required an 18 foot setback; therefore, because of the support in the reduction of the setback, Staff was recommending the applicant consider a monument sign and even though two feet was normally required, they could place it at a zero setback because of the approved variance. Staff was recommending denial of UN-50-09 as Staff would like to see compliance with the height requirements and either construct a monument sign or at least not construct a sign more than 18 feet in height. Should the Commission determine approval was warranted, the following conditions were recommended:

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 sign shall be constructed in compliance with the Sign Design Guidelines.
3. The signage shall not exceed 125 square feet.
4. The height of the sign shall not exceed 27 feet.
5. A minimum ground coverage of 60 percent shall be reached within two years.
6. The proposed sign shall not be located within the traffic sight visibility zone.

Ed Stagner, 5119 South Cameron Street, Las Vegas, NV 89118 appeared on behalf of the applicant showing a picture of the original sign and one of the redesigned sign which was 27 foot in height to match what was originally in place. He met with Staff, as they had recommended denial and asked for a better design, possibly a shorter sign and he showed a sign which was 22 foot tall, which met the criteria of the sign guidelines with the exception of the height.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston asked if the proposed sign was 22 foot high.

Mr. Stagner responded that was correct.

Commissioner Aston asked the height of the original sign.

Mr. Stagner responded it was 27'7" and the one originally proposed with this application was 27 feet.

Commissioner Aston clarified the proposed sign was only four foot higher than the original and he liked the base of the new sign better and stated he could support the application.

Vice-Chairman Steve Brown agreed with Commissioner Aston and was in support of the application.

Chairman Dean Leavitt also was in support of the application.

Mr. Jordan stated if there was a desire to approve UN-50-09, then Condition No. 4 should be amended to read: "That the height of the sign shall not exceed 22 feet in height."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 4 AMENDED TO READ:

4. THE HEIGHT OF THE SIGN SHALL NOT EXCEED 22 FEET.

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: Commissioner Perkins

ABSTAIN: None

5. **ZN-03-09 (39473) NORTH LAS VEGAS OPHTHALMOLOGY SURGICAL CLINIC AND CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE NORTH LAS VEGAS LIONS CLUB ON BEHALF OF LODGE LIONS #6370 NLV, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO A C-2, GENERAL COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT 2934 VAN DER MEER STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-13-602-002.**

The application was presented by Marc Jordan, Planning Manager who explained the property was located within the downtown influence area on the Comprehensive Plan. In reviewing the application, the property was surrounded on three sides by property that was already zoned C-2, General Commercial and on one side the property was adjacent to a developed residential district. According to the vision and goals of the North Redevelopment area, that's within the Comprehensive Plan, the proposed zoning would be consistent with the vision and goals in bringing new business to the area. Staff was recommending approval of ZN-03-09.

Louis Fields, Chairman of the Board of North Las Vegas Lions Club, 2934 Van Der Meer, North Las Vegas, NV 89030 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: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

6. UN-47-09 (39487) GOWAN & MLK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AT&T MOBILITY ON BEHALF OF FOSTER DAY, INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN 80 FOOT TELECOMMUNICATION TOWER AND FACILITY. THE PROPERTY IS LOCATED AT 2415 NORTH MARTIN L. KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-16-410-329.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing a mono-palm telecommunication tower and was in compliance with the North Las Vegas Design Standards for a telecommunication tower and met the 200 foot separation from existing residential; therefore, Staff was recommending approval of UN-47-09 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. That UN-47-09 is site-specific and nontransferable.
3. That the tower shall be a stealth monopalm design.
4. That the tower shall not exceed 80 feet in height measured from the top of fronds of the proposed stealth monopalm tower.
5. That perimeter landscaping along Carey Avenue shall be provided for per Title 17.24.200.J.
6. That the existing perimeter landscaping area along Martin Luther King Boulevard shall be landscaped with 24 inch box trees spaced at 20 feet on center and approved materials that will achieve a minimum ground coverage of sixty (60) percent (not including trees) within two years of the date of final inspection of the telecommunications tower.
7. That two (2) Date Palms, *Phoenix dactyliferas*, with minimum heights of twenty-four (24) feet measured from top of fronds shall be installed in the area between Carey Avenue and the tower location to aid in the camouflaging of the eighty (80) foot tower and create the appearance of a cluster of three (3) date palm trees from the adjacent public rights-of-way.
8. That the proposed 8 foot cmu enclosure shall be constructed with a block wall that is decorative and complies with Title 17.24.200.G.

9. That a cross access agreement shall be recorded by the property owner granting cross access with Assessor Parcel Numbers 139-16-410-330 and 139-16-410-331 within the southern portion of the subject property.

Jason Frayer, 6 Sunset Way B-108, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- **Katherine Joseph, 1309 Helen Avenue, North Las Vegas, NV 89030** appeared on behalf of Del Monaco and Winslow Park and was neither opposed or in support of the application. She asked about the radiation from the tower, if research had been done and if it had, wanted the information. If there was radiation coming from the tower, it could affect the children and she explained there were three schools and a recreation center in the area and children were passing that area five days per week, two times per day. She did not have a problem with the tower, as she felt they would get better reception, but was requesting information.
- **Bob Gronauer, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169** appeared on behalf of an adjacent property owner, Bob Campbell, who was the developer of single family homes in the area to the west, Highland Village. He was requesting the application be continued for two weeks as Mr. Campbell's property was currently landlocked, which was not legal. He explained in 1997, there was a 20 foot alley way which gave access to Martin Luther King Boulevard and was vacated in 1997 even though Mr. Campbell had objected. At that time he did not realize it was approved and approximately two years ago, he wanted to work with the City regarding access to his property. He was requesting the continuance to give them the opportunity to meet with the property owner to gain legal access to Martin Luther King Boulevard or Carey Avenue.
- **JD Thornton Jr., 1912 West McDonald Avenue, North Las Vegas, NV 89032** asked if the applicant for the tower was also the property owner and if the property would be fenced and maintained. There has been a problem in the area with rental properties not being maintained.
- **Thomas Garrett, 1921 West McDonald, North Las Vegas, NV 89032** was opposed to the tower being built at that location.
- **Lydia Garrett, 1921 West McDonald Avenue, North Las Vegas, NV 89032** inquired why she was not notified of the tower. She also was neither opposed or in favor of the application, but wanted more information on why that location was

selected for the cell tower. She asked how much radiation the tower would emit in the residential area and who would receive the proceeds from the tower and who would take care of making repairs and how the property would be accessed. She was also concerned about the traffic.

Mr. Frayer explained he could provide a radiation study and explained the tower was license by the FCC. The towers emitted low amounts of radiation and according to the FCC, they were not toxic. The proposed site was originally leased from the Government Center across the street; however, the option expired in 2007 and the Commissioner for that area had changed and Commissioner Weekly no longer allowed the cell site on the property. There were very few options because property was vacant with no utilities or they could not meet setbacks, whether it was in the City of Las Vegas or the City of North Las Vegas. The proposed site was chosen because they could meet all of the setback requirements and they had a willing property owner. He explained access to the site would be provided through the car wash and there would be no traffic congestion because after construction, the site would be un-manned, other than maintenance every four to six weeks. AT & T would be responsible for maintaining the site and the shelter and tower would be behind an eight foot CMU wall to keep people out and if it was tagged or destroyed, AT & T would take care of the maintenance and repairs. Mr. Frayer stated he was willing to work with Mr. Gronauer and Bob Campbell regarding access to the adjacent property.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston stated the plan showed an existing 10 foot easement.

Mr. Frayer responded that was what his surveyors found on the site.

Mr. Gronauer showed a drawing of what used to be a 20 foot easement, so it appeared that the 10 foot on the other side of the property line was gone, but the other 10 foot was still there, so there was some confusion as to how the parcel could be accessed. If the cell tower was put on the one access, he asked how would the adjacent property owner would access his property and asked for Staff comment.

Marc Jordan, Planning Manager responded Mr. Gronauer indicated the area was vacated in 1997 and the question had been raised previously and, unfortunately, the person who handled the vacation was no longer on Staff, so he did not know the outcome and would have to research the information.

Commissioner Aston asked Staff if they thought the application should be continued or the conditions amended.

Mr. Jordan responded he did not feel comfortable drafting conditions regarding the access, because there was a good point on both sides, of how the alley way or parcel affected what was occurring on another parcel and recommended, if the applicant was willing, to continue the application to allow Staff to do some research and come back to the Commission with information.

Commissioner Aston asked how much time Staff required for the research.

Mr. Jordan deferred to Lorena Candelario of Public Works.

Lorena Candelario of Public Works responded a two week continuance should allow enough time to research the information.

Commissioner Aston asked the applicant if he was agreeable to a two week continuance.

Mr. Frayer responded he would prefer to move forward, but if it was the Commission's desire, he would agree to a two week continuance.

Commissioner Dilip Trivedi stated he was in favor of continuing the application, but when the item was brought back, he requested the applicant address what would be done to the southern part of the finger that was left over after the tower was complete.

Mr. Frayer stated one of the conditions required the area to be landscaped.

Commissioner Trivedi stated he had not seen a landscape plan.

Mr. Frayer responded the landscape plan would be submitted when they applied for the building permit and explained the conditions required landscaping on the southern tip and also along Martin Luther King Boulevard.

ACTION: CONTINUED TO SEPTEMBER 23, 2009

MOTION: Commissioner Aston

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

Item No. 8 was heard next.

7. **FDP-02-09 (39522) DIAMANTE EAST. AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF LO LAND ASSETS, LP, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 111 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SCOTT ROBINSON BOULEVARD AND CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-09-417-001 THROUGH 139-09-417-111, 139-09-417-117 AND 139-09-417-122.**

It was requested by the applicant to continue FDP-02-09 to September 23, 2009.

ACTION: CONTINUED TO SEPTEMBER 23, 2009

MOTION: Vice-Chairman Steve Brown

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

Item No. 9 was heard next.

8. **SPR-13-09 (39524) PAVER EXHIBIT & FLAG POLE. AN APPLICATION SUBMITTED BY LAS VEGAS PAVING CORPORATION ON BEHALF OF LVPC SY, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT FOR A WAIVER OF THE FREESTANDING SIGN REQUIREMENTS TO ALLOW A 440 SQUARE FOOT MONUMENT SIGN. THE PROPERTY IS LOCATED AT 3401 NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-704-004.**

The application was presented by Robert Eastman, Principal Planner who explained because of the size of the parcel and the locations, the sign standards would require no sign greater than 250 square feet; however, Las Vegas Paving had proposed a rather innovative sign that used and incorporated an old construction paver, which increased their sign area to 440 square feet. In addition, they added some flags, a U.S. flag, a state flag and a corporate flag, and because of the unique nature of the proposed structure, Staff did not feel the sign area was as large as it was calculated to be; therefore, Staff was recommending that SPR-13-09 be approved with the following conditions:

1. Unless expressly authorized through a variance, waiver of another method, development shall comply with all applicable codes and ordinances.
2. That the site plan shall be revised to depict a minimum ten (10) foot setback for the monument sign measured from the property line along North Fifth Street.
3. That two (2) planter boxes or two (2) planter pots with minimum planter areas of four (4) square feet each shall be installed along the front elevation of the monument sign and shall include an automatic irrigation sprinkler system.

Crocket Wirthlin, 3401 North Fifth Street, North Las Vegas, NV 89032 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

The second Public Forum was heard next.

OLD BUSINESS

9. **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, 2009)**

It was requested by the applicant to continue UN-44-09 to October 14, 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 14, 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. 10 was heard next.

10. **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, 2009)**

Item Nos. 10 and 11 were voted on in one motion.

It was requested by the applicant to continue T-1335 to September 23, 2009.

Mark Sturdivant, 3277 East Warm Springs appeared on behalf of the applicant explaining there were two related applications, Item No. 11, SPR-26-09 and Item No. 10, T-1335 and it was his understanding that the applicant wished to have both items continued, having SPR-26-09 heard at the September 23, 2009 meeting and T-1335 heard at the October 14, 2009 meeting.

Marc Jordan, Planning Manager explained two letters were received. There was a letter received for T-1335 asking that it be continued to September 23, 2009 and another letter was received by the applicant's representative requesting that both application be continued to September 23, 2009. If there was going to be a different date, he requested that Bob Gronauer, the applicant's representative, state for the record which dates they wished the applications to be heard.

Bob Gronauer, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant stating he understood both applications were to be continued to September 23, 2009 and was not aware of any other changes.

Mr. Sturdivant concurred with Mr. Gronauer.

ACTION: CONTINUED TO SEPTEMBER 23, 2009

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

11. **SPR-26-08 (39418) DECATUR DESERT PLAZA. AN APPLICATION SUBMITTED BY DECATUR DESERT PLAZA, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO REMOVE AND MODIFY EXISTING CONDITIONS OF APPROVAL. THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-401-003. (CONTINUED AUGUST 26, 2009)**

Item Nos. 10 and 11 were voted on in one motion. The following comments were carried forward from T-1335:

It was requested by the applicant to continue T-1335 to September 23, 2009.

Mark Sturdivant, 3277 East Warm Springs appeared on behalf of the applicant explaining there were two related application, Item No. 11, SPR-26-09 and Item No. 10, T-1335 and it was his understanding that the applicant wished to have both items continued, having SPR-26-09 heard at the September 23, 2009 meeting and T-1335 heard at the October 14, 2009 meeting.

Marc Jordan, Planning Manager explained two letters were received. There was a letter received for T-1335 asking that it be continued to September 23, 2009 and another letter was received by the applicant's representative requesting that both application be continued to September 23, 2009. If there was going to be a different date, he requested that Bob Gronauer, the applicant's representative, state for the record which dates they wished the applications to be heard.

Bob Gronauer, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant stating he understood both applications were to be continued to September 23, 2009 and was not aware of any other changes.

Mr. Sturdivant concurred with Mr. Gronauer.

ACTION: CONTINUED TO SEPTEMBER 23, 2009

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

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

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 6:53 p.m.

APPROVED: October 14, 2009

/s/ Dean Leavitt
Dean Leavitt, Chairman

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