

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

September 8, 2010

BRIEFING: 5:34 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

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

WELCOME: Chairman Dilip Trivedi

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

STAFF PRESENT: Frank Fiori, Community Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Sanchez, Deputy City Attorney II
Lorena Candelario, PW Real Property Management
Eric Hawkins, Public Works, Traffic
Janice Carr, Fire Department
Jose Rodriguez, Police Department
Spring Dineen, Utilities
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Laura Perkins

Item No. 15 was heard next.

MINUTES

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF JULY 28, 2010.**

ACTION: APPROVED

MOTION: Vice-Chairman Brown

SECOND: Chairman Trivedi

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

NAYS: None

ABSTAIN: None

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 11, 2010.**

ACTION: APPROVED

MOTION: Vice-Chairman Brown

SECOND: Chairman Trivedi

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

NAYS: None

ABSTAIN: Commissioners Cato and Perkins

PUBLIC FORUM

There was no public participation.

Commissioner Dean Leavitt entered Council Chambers at 6:05 p.m.

NEW BUSINESS

- 1. ZN-09-10 (41589) MANHEIM NEVADA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MANHEIM AUCTION ON BEHALF OF JMC IV REAL ESTATE COMPANY, PROPERTY OWNER, FOR A PROPERTY RECLASSIFICATION FROM M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT 6600 AUCTION LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-23-101-002.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for the portion of the property that was saw tooth in shape, adjacent to I-15. The Comprehensive Plan supported heavy industrial, which was consistent with the M-2 zoning request. Staff was recommending approval of ZN-09-10.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

2. **SPR-07-10 (41590) MANHEIM NEVADA. AN APPLICATION SUBMITTED BY MANHEIM AUCTION ON BEHALF OF JMC IV REAL ESTATE COMPANY, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT FOR ADDITIONAL PARKING FOR AN EXISTING AUTOMOBILE AUCTION FACILITY ON 15 ACRES WITH WAIVERS FROM THE DESIGN. THE PROPERTY IS LOCATED AT 6600 AUCTION LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-23-101-002.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for a site plan review with waivers to the Design Criteria. The applicant was requesting that the criteria be waived for perimeter landscaping, allow light poles that would not exceed 40 feet in height and also a waiver of the perimeter screening requirements. Previously, the Commission had not waived the perimeter screening requirements, but deferred the improvements until development occurred within 660 feet of the site. The applicant was proposing two areas, one area would be approximately 15 acres and the other would be approximately five acres and would allow for an additional 3100 parking spaces for their existing business. Staff had no objection to the site plan review or the waivers and there were conditions consistent with the first two approvals and were recommending approval of SPR-07-10 with 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. The industrial development shall be in compliance with the Industrial Development Standards, except the 20 foot landscape buffer adjacent to the residential properties, zoned O-L, Open Land is not required, and that light poles shall not exceed 40 feet in height.
3. The applicant shall install an eight (8) foot high decorative wall or landscape screen along the boundary of the storage area proposed. The decorative wall or landscape screen may be deferred until such time the development occurs within 660 feet of the subject site, after which the landscape screen or decorative wall shall be constructed within six (6) months to screen the storage area.
4. A Technical Drainage Study must be provided before civil improvement plans are submitted.
5. Clark County Regional Flood Control District (CCRFCD) concurrence is required.
6. Nevada Department of Transportation (NDOT) concurrence is required.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Commissioner Dilip Trivedi asked if the applicant had considered alternate paving materials for the site and inquired how the site drained.

Ms. Lazovich explained the outline of the property was larger than what was actually paved and it included retention basins, which should provide sufficient drainage capacity; but, there was a requirement to provide a technical drainage study. She also explained the applicant would be open to the idea of alternative paving; however, the entire site was paved and if they were to use alternative paving, it would have to be something very durable and comply with dust standards.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

3. **UN-60-10 (41475) CRAIG COMMERCE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARK WHEELER ON BEHALF OF HARSCH INVESTMENT PROPERTIES CRAIG LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW RETAIL SALES. THE PROPERTY IS LOCATED AT 2707 EAST CRAIG ROAD, SUITE "A". THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-002.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated they would be selling car stereos, speakers and accessories and there would also be some light manufacturing which would be contained within the suite. The use would require approximately seven parking spaces and the site currently had a total of 227 parking spaces. There were other use permits approved which allowed retail sales; however, Staff did not believe there would be an impact on parking. Staff was recommending approval of UN-60-10 with 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. On site installation of equipment is prohibited with this special use permit.

Mark Wheeler, 2707 East Craig Road #A, North Las Vegas, NV appeared on the application indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Jo Cato clarified with the applicant that he understood there was to be no installation of stereos performed on the site.

Mr. Wheeler responded he understood and explained he was selling wholesale to the public.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

4. UN-61-10 (41510) ACE CYCLES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PAUL YEGHIAYAN, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 3410 BUNKERHILL DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-08-712-013.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to use the westerly portion of the building and the suite was approximately 3,000 square feet with a six foot masonry wall surrounding the storage yard and there were four parking spaces located on the site; however, there were storage containers in two of the spaces, which would have to be removed to maintain compliance. Staff was recommending approval of UN-61-10 with 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; and
2. That all work shall be performed indoors.
3. That indoor storage shall be provided for any vehicles awaiting repair overnight.
4. That a minimum of four (4) parking spaces shall be provided, with one (1) of the four (4) parking spaces being designated as accessible handicap parking.

Paul Yeghiayan, 3420 Precision Drive, Las Vegas, NV 89032 appeared on the application indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

5. **UN-62-10 (41511) RAZOR WIRE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAM REFRIGERATION & AIR CONDITIONING, INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF RAZOR WIRE. THE PROPERTY IS LOCATED AT 4060 ARCATA WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-02-802-006.**

The application was presented by Marc Jordan, Planning Manager who explained Code Enforcement cited the applicant for the existing razor wire, so they were requesting a special use permit. The applicant indicated they had tried other security measures such as lasers, security lights, and sirens, but it had not deterred crime from occurring on their property. The applicant submitted notarized signatures from the adjacent property owners and had filed for a Crime Prevention Through Environment Design (CPTED) analysis with the Police Department, which supports their request. Staff was supporting the additional use of razor wire on three of the property lines. Mr. Jordan explained the area west of Arcata Way was a previously approved 160 acre mixed use PUD, which would contain some residential with commercial in close proximity. Because of the negative impact razor wire could have on adjacent land uses, Staff was not supporting razor wire along Arcata Way, so the recommended conditions of approval only specify razor wire on three property lines, excluding the area along Arcata Way. Staff was recommending approval of UN-62-10 and that it be forwarded to City Council for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Razor wire shall be limited to the existing locations along the north, south and east property lines.
3. The total height of the fencing, including the razor wire, shall not exceed twelve (12) feet.
4. All razor/barbed wire shall be clear of debris at all times.

Douglas Smith, 4060 Arcata Way, North Las Vegas, NV 89030 appeared on behalf of the applicant explaining the west side of the property was divided from the PUD by the Sloan Channel and two large chainlink fences separating the channel from the property, so he did not feel razor wire proposed much of an impact. He also explained Arcata Way was the main entry to his property, which was where the greatest problems had occurred. He also pointed out the property had been broken into three times since the installation of the razor wire. Mr. Smith pointed out there was currently lasers on the outside, security inside the building, security lighting and sirens on the property, but none of them were very effective.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Vice-Chairman Steve Brown agreed with the applicant regarding the separation between the PUD and the industrial area and pointed out the PUD was put in place knowing there was an industrial area located across the channel, so he was in support of the razor wire on all property lines. He also felt many of the security issues would vanish once the PUD was developed. Vice-Chairman Brown asked the applicant to remove the razor wire when the PUD was developed, if the vandalism stopped at that time.

Mr. Smith responded he did not like having the razor wire, so if there came a time the neighborhood was safe, he was more than willing to remove it, as it detracted from the building.

Commissioner Jay Aston asked to see the aerial view of the property, so he could see the separation from the PUD.

Commissioner Dean Leavitt agreed with Vice-Chairman Brown and Commissioner Aston that the use of razor wire on the west property line was appropriate and was in support of the application. He also pointed out the walking path being installed on the trail system would add more light and may deter some of the problems at the site.

Mr. Jordan stated if it was the Commission's intent to approve the application with razor wire on all four property lines, Condition No. 2 could be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 2; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

6. UN-64-10 (41568) BUS PLUS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BUS PLUS ON BEHALF OF EISEN FAMILY TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2420 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-15-802-008.

The application was presented by Marc Jordan, Planning Manager who explained there was currently a bus facility operating out of the location and the applicant had a 9,000 square foot building on the site, which they would like to use for maintenance on vehicles belonging to others. The site has the required parking and Staff has no objection to the use and was recommending approval of UN-64-10 with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That all work shall be performed within the building.
3. Approval of a traffic study is required prior to the issuance of a business license.

Anthony Fiorini, 2420 Losee Road, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Dean Leavitt asked Mr. Fiorini if he was primarily repairing diesel or gas engines.

Mr. Fiorini responded, the majority of repairs would be for diesel engines.

Commissioner Laura Perkins requested the landscaping along the front of the site be improved and maintained.

Mr. Fiorini responded that could be done.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

7. **VAC-05-10 (41545) LAREDO PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES, PROPERTY OWNER, TO VACATE A 3-FOOT SIDE YARD UTILITY EASEMENT ON LOTS 4, 5 AND 27 THROUGH 37 OF THE LAREDO PARK SUBDIVISION. THE PROPERTY IS LOCATED APPROXIMATELY 670 FEET NORTH OF GRAND TETON DRIVE EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-07-414-004, 124-07-414-005 AND 124-07-414-027 THROUGH 124-07-414-037.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to do some lot line adjustments on the property and as a result, the existing easements would need to be vacated and when they amend the final map, they would reestablish new easements. All lots would still have to maintain a minimum 6,000 square feet. Staff was recommending approval of VAC-05-10.

Robert Cunningham of Taney Engineering, 6030 South Jones Boulevard Suite 100, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

- **Steven Marks, 8133 Redbud Vine Street, North Las Vegas, NV 89085** asked for an explanation of the vacation.

Mr. Cunningham explained William Lyon Homes purchased a mapped subdivision from another builder and as a result, some of their product did not fit on some of the lots, so the lot lines were adjusted slightly. On the original map, there was a three foot easement on each side for utility purposes and the City of North Las Vegas had interest in it and in discussions with the Real Property Department, it was determined they had to vacate all of the easements, which was the purpose of the application. He pointed out, it did not impact any of the adjacent properties, as everything was internal to the subdivision.

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

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

8. **UN-37-09 (41582) POPPA'S BAR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BILL WEILER UNDER TRUST AGREEMENT, PROPERTY OWNER, FOR AN EXTENSION OF TIME OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A RESTRICTED GAMING "ON-SALE" ESTABLISHMENT. THE PROPERTY IS LOCATED AT 2750 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-201-015.**

The application was presented by Robert Eastman, Principal Planner who explained the application was to allow a restricted gaming "on sale" establishment and waivers of the 2500 foot distance from another existing restricted gaming liquor establishment and the 1500 foot separation from an existing church. The application was specifically requesting an extension of time, as they finalized their leasing and reestablishment of the restricted gaming use that had closed. The site was leased to a new tenant, who was currently working through the business licensing process; however, they would not make the time limit and were, therefore, requesting an extension of time. Staff was recommending approval of UN-37-09 as it was originally approved by City Council with 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 with the following exception:
 - a. A waiver from the distance separation is granted to allow the restricted gaming "on-sale" use to open with two churches within 1,500 feet and two similar uses located within 2,500 feet.
2. UN-37-09 shall expire on August 19, 2011, unless an extension of time is granted.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Chairman Trivedi stated he would like to see churches and schools on the location and zoning map.

Commissioner Jay Aston pointed out the proposed use was not new and had been at that location.

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

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

9. UN-26-08 (41504) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC., ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED NORTHEAST OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001.

The application was presented by Robert Eastman, Principal Planner who explained the use was originally approved for a casino and had received the GED designation in July, 2008. The site plan had not changed since the original approval and the casino was proposed to be built in two phases, the first phase was slightly greater than 750,000 square feet and the second phase was approximately 640,000 square feet. It was a large casino and both phases would have 500 room hotels in their site plan. In general, the site plan was in conformance with the Design Standards and the Zoning Code. Item No. 10, UN-27-08 was for a use permit to allow the hotel to be 90 feet tall where 60 feet was allowed, which also required a use permit. There were Staff comments regarding the design of some of the accessory buildings and parking structures, which were addressed in the conditions, that they shall match the architectural theme of the buildings. Staff was recommending that UN-26-08 be approved with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That UN-26-08 is site-specific and non-transferrable.
3. That UN-26-08 shall be null and void if GED-01-08 is not approved by City Council.
4. Design elements shall be incorporated into the parking structures that will match the overall architectural theme/style of the casino/hotel(s), provide visual interest, and reduce their overall visual length.
5. The design of the structures shall take into consideration future wireless communications facilities.
6. Landscaped islands shall be installed between the parking rows of every other double row of parking, and at the ends of every row.
7. Six (6) foot wide landscaped islands shall be required within each parking row for every 15 parking spaces contained within a row.

8. Street trees shall be planted along Centennial Parkway at intervals of 30 feet for trees that reach a mature height greater than 15 feet or at intervals of 10 feet for trees that reach a mature height of up to 15 feet or less.
9. The sidewalk along Centennial Parkway shall be meandering.
10. Parking areas abutting Centennial Parkway shall be screened by decorative walls or landscaped berms with a minimum height of 3 feet above the finished grade at the rear of the setback area.
11. Refuse collection areas and dumpsters shall be enclosed by masonry walls finished in the same manner as the surrounding primary structures. All such enclosures shall have solid metal gates and roofs.
12. Measures to achieve a noise level reduction, outdoor-to-indoor, of 25 decibels must be incorporated into the design and construction of the casino/hotel.
13. Approval of a traffic study is required prior to submittal of the civil improvement plans.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. The size and location of any drainage facilities and/or easements shown are contingent upon review and approval of a Technical Drainage Study.
16. Nevada Department of Transportation concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
17. 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.
18. 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. 100' on Centennial Parkway
19. The developer is required to construct a raised median within Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb.

20. Median landscape and irrigation plans must be submitted to the Parks Department for the landscaping required within the Centennial Parkway median. The developer's landscape architect should contact John Jones, Landscape Architect, with the Parks and Recreation Department at 633-1611, for landscaping requirements prior to designing the landscape plan(s) for the median. Final approval of the civil improvement plans will not be acquired prior to Parks' approval of the landscaping plans.
21. The property owner is required to acquire roadway easements or dedications to provide 32' of paved access from this site to two existing public paved roads.
22. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
23. 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.
24. 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.
25. The property owner is required to grant a roadway easement for commercial driveway(s).
26. 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. Any new or relocated distribution lines, shall be placed underground.
27. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
28. 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.
29. The property owner is required to sign a restrictive covenant for utilities.
30. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.

31. A revocable encroachment permit for landscaping within the public right-of-way is required.
32. All off-site improvements must be completed prior to final inspection of the first building.
33. A turn-key fire station, including associated vehicles, equipment, and all City required off-site improvements shall be completed to the satisfaction of the City and at the expense of the developer prior to Certificate of Occupancy for any casino on the proposed site. The station shall be built to the North Las Vegas Fire Department Station Design Standard, or other standard as approved by the Fire Chief. The station shall be furnished with a fire engine, a fire truck, and a rescue unit per the specifications of the North Las Vegas Fire Department. The land, building, and equipment for the station shall be deeded to the City of North Las Vegas. The site for the station shall be approved by the Fire Chief.
34. The sanitary sewer for the subject property shall be routed south on Sloan Lane and connect into the existing Clark County sanitary sewer, unless otherwise directed by the Director of Utilities.
35. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services Rules and Regulations.
36. Internal mapping of the development shall be submitted at time of building permit review.
37. The applicant will provide two (2) on-site mitigation measures to minimize public exposure to land occupied by the Nevada National Guard:
 - a. an eight (8) foot tall CMU block wall with an additional two (2) foot wrought-iron extensions directed toward the Miller property will be constructed to prevent patrons from crossing property lines shared with the Nevada National Guard property; and
 - b. hotel towers shall be oriented so as to limit visibility to the Floyd Edsall Training Center.
38. Prior to any construction on the site, a final development plan shall be approved by the City of North Las Vegas Planning Commission as a Public Hearing.

39. The applicant shall sign a written notice declaring knowledge of the existence of the Nevada National Guard and its training activities, wherein the development may be subject to, but not limited to, noise, light, dust, laser emissions, and odors created by military training and related activities. This notice shall be recorded against the property in a form approved by the Director of Planning and Zoning.

Lora Dreja, Brown, Brown & Premsrirut, 520 South Fourth Street, Las Vegas, NV 89101 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

10. **UN-27-08 (41505) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC., ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 90-FOOT-HIGH CASINO/HOTEL WHERE 60 FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED NORTHEAST OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001.**

The application was presented by Robert Eastman, Principal Planner who explained Staff was recommending approval of UN-27-08 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That UN-27-08 is site-specific and non-transferrable.
3. That the buildings on this site may be constructed up to 90 feet in height.
4. That UN-27-08 shall be null and void if GED-01-08 is not approved by City Council.
5. That UN-27-08 shall comply with all conditions of approval of UN-26-08.
6. A turn-key fire station, including associated vehicles, equipment, and all City required off-site improvements shall be completed to the satisfaction of the City and at the expense of the developer prior to Certificate of Occupancy for any hotel or any high-rise on the proposed site. The station shall be built to the North Las Vegas Fire Department Station Design Standard, or other standard as approved by the Fire Chief. The station shall be furnished with a fire engine, a fire truck, and a rescue unit per the specifications of the North Las Vegas Fire Department. The land, building, and equipment for the station shall be deeded to the City of North Las Vegas. The site for the station shall be approved by the Fire Chief.
7. No heliport shall be built upon the top of the high-rise.
8. A radio repeater system shall be installed per Fire Department standards in the high-rise.
9. The fire command center shall be located at grade as directed by the Fire Department.

10. A Fire Protection Report for the high-rise shall be approved by the City of North Las Vegas prior to submitting any building plans.
11. The sanitary sewer for the subject property shall be routed south on Sloan Lane and connect into the existing Clark County sanitary sewer, unless otherwise directed by the Director of Utilities.
12. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services Rules and Regulations.

Lora Dreja, Brown, Brown & Premsrirut, 520 South Fourth Street, Las Vegas, NV 89101 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Commissioner Laura Perkins asked if the Hotel was located in the flight path of Nellis Air Force Base.

Ms. Dreja explained it was located in an overlay zone for Nellis, and they had worked with Nellis to get their approval for the 90 foot building height.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

11. UN-63-10 (41567) RAPID CASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAPID CASH ON BEHALF OF CHEYENNE MARKETPLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A SECONDHAND DEALER (PURCHASE OF GOLD). THE PROPERTY IS LOCATED AT 1360 WEST CHEYENNE AVENUE, UNIT 101. THE ASSESSOR'S PARCEL NUMBER IS 139-09-801-011.

The application was presented by Robert Eastman, Principal Planner who explained the application was to allow an existing business to purchase gold and/or other precious metals. The existing Rapid Cash had use permits as a payday loan/auto title loan facility and were asking to expand the business to allow them to purchase predominantly gold; however, other precious metals may be purchased. The request did not allow them to expand their business into being a pawn broker or buying and selling; however, the business license application would be for a second hand dealer to allow them to purchase the precious metals. With those parameters and restrictions in place, Staff was recommending approval of UN-63-10 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That all applicable conditions of UN-86-06 shall remain in effect.
3. That the existing use may include the purchase of gold, silver, platinum and other precious metals.
4. That the owners and/or operators maintain compliance with local police requirements for the purchasing of jewelry from customers. The resale and/or pawning of jewelry shall be prohibited.

Lucy Stewart, 101 Convention Center Drive #1002, Las Vegas, NV 89109 appeared on behalf of the applicant indicating she concurred with Staff recommendation and presented an article from Consumer Reports pointing out the average for gold was 15 cents on the dollar and Rapid Cash gave about 55 to 60 cents on the dollar and the check was issued when the metal was cashed in and the metal was held for 30 days as required by law.

Vice-Chairman Steve Brown asked Ms. Stewart, if the permit was just for jewelry or for coins and bullion, etc.

Ms. Stewart responded they typically bought broken jewelry.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: Commissioner DePhillips

ABSTAIN: None

12. **UN-03-04 (41627) DOTTY'S AT LAKE MEAD & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NEVADA RESTAURANT SERVICES, INC. ON BEHALF OF SIMMONS ASSOCIATES, LLC, PROPERTY OWNER, TO AMEND A CONDITION REGARDING ON-SITE SECURITY FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN. THE PROPERTY IS LOCATED AT 2795 WEST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-20-614-003.**

The application was presented by Robert Eastman, Principal Planner who explained the use was originally approved in 2004 as a tavern and under current Zoning Code, it would be classified as a restricted gaming "on-sale" establishment. In 2006, when one of the extensions of time was approved by City Council, a condition of approval was placed to require on-site security to be provided in the parking lot of the commercial center where it was located, between the hours of 10 p.m. through 7 a.m. The condition was placed due to the expected impact the tavern would have on the surrounding neighborhood. The applicant requested the condition be removed, stating that a Dotty's establishment was not a typical Nevada style pub or tavern, as it did not have the same feel or clientele as most taverns would. For the most part, Staff agreed a Dotty's was not the same and their impact on the neighborhood would be different than a more traditional tavern. Due to concerns that the use permit granted would allow a typical tavern, Staff was proposing to amend the condition, so that if a more traditional or typical Nevada style tavern or pub were to be developed on the site, security would be required. Staff was recommending UN-03-04 be approved with the amended condition and forwarded to City Council for final consideration.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Dean Leavitt agreed that Dotty's had a different feel than a typical bar/tavern and the use was a good fit for the area and was in support of the application.

Chairman Trivedi asked the location of the senior center.

Mr. Garcia responded the senior center wrapped around the center and he had a letter from George Dukakis, who represented the residents, in support of the application.

Chairman Trivedi questioned what was located on the east side of the property.

Mr. Garcia responded the center was surrounded by commercial, as the use was located in the middle of the center and to the south was residential, to the west was commercial and there was also some industrial and across the street was some industrial and the airport and then there was a PUD on the north side of the street,

Chairman Trivedi asked to see an aerial view of the area.

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

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

13. **T-1339 (41575) RHAPSODY NORTH. AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1, SINGLE FAMILY LOW DENSITY DISTRICT CONSISTING OF 39 RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF HAROLD STREET AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-701-002 THROUGH 124-35-701-006.**

The application was presented by Robert Eastman, Principal Planner who explained the overall density of the development would be approximately 4.6 dwelling units per acre. All of the proposed lots were 6,000 square feet and were in compliance with the R-1 Residential District and the applicant was showing the adequate amount of landscaping around the perimeter of the site. Staff was recommending approval of T-1339 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this site shall comply with all applicable codes and ordinances.
2. Internal, residential two-way local streets shall be constructed per *Uniform Standard Drawings for Public Works Construction Off-Site Improvements Drawing No. 207 "Option B."*
3. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
4. Harold Street shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk.*
5. All known geologic hazards shall be shown on the preliminary development plan, 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. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.

7. Clark County 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. This application must abide by all conditions of the approved traffic study.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Bruce Street and Washburn Road.
11. 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. Bruce Street
 - b. Washburn Road
 - c. Harold Street
12. In order to avoid bottlenecking at the intersection of Washburn Road and Bruce Street, and alleviate sawtooth pavement conditions in an otherwise completely improved corridor, the developer shall construct additional street improvements adjacent to APN 124-35-701-001 to complete the Washburn / Bruce intersection - or- as otherwise required by the Director of Public Works. (Ref: NLVMC 17.24.160.K).
13. All common elements shall be maintained by the Home Owners Association and shall be labeled accordingly on the civil improvement plans and associated mapping.
14. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
15. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
16. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
17. A revocable encroachment permit for landscaping within the public right of way is required.

18. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
19. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
20. Proposed residential driveway slopes shall not exceed twelve percent (12%).
21. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
22. All off-site improvements must be completed prior to final inspection of the first building.
23. The developer shall coordinate with the owner of APN 124-35-701-001 for the removal of the existing block wall and installation of a new block wall by the developer.

Robert Cunningham, Taney Engineering, 6030 South Jones Boulevard #100, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff's recommendation for approval but had some questions on conditions. He explained regarding Condition No. 4, it was proposed to attach the sidewalk instead of an offset sidewalk due to the high expansive soils, as shown in their soils report. The report recommended no landscaping or irrigation within five feet of the sidewalk. They feel they would get a wider area to landscape if the sidewalk were attached and requested the wording be amended to allow an attached sidewalk on Harold Street. He did not feel Condition No. 12 was a fair condition, as he understood the condition was requiring the applicant to complete full street improvements adjacent to the adjacent parcel, not in front of the proposed site and asked that the condition be deleted, as it was in the County and the applicant did not own the property on which the improvements were be requested. Condition No. 22 was unrealistic due to the current economic conditions and he explained North Las Vegas recently adjusted their bond rates and prices to cover any kind of drop from the project if it was not completed and also the occupancy permit process required the improvements be built before occupancy permits were issued. Condition No. 23 required removing a block wall which was not on their property, but was two to five feet on the abutting parcel and if the owner of that property was not cooperative, it could halt the

project. The applicant was willing to remove the wall and work with the abutting property owner, but did not want the project hindered if the property owner was not cooperative.

Eric Hawkins of Public Works explained Condition No. 4 was placed on the applicant due to ADA compliance. If the sidewalk was next to the curb, the slope was too great and would not comply with ADA requirements. He had no comment on the soils conditions, but had spoken to his colleagues, who did not feel there was a problem with the soil. Regarding Condition No. 12, typically a transition was requested leading up to the property line, which was per Clark County Standard Drawings and thought it would go almost to the intersection and there was full right-of-way on Washburn and Bruce Streets. He agreed the southeast corner was located in Clark County, but was more of an island. He was not able to comment on Condition Nos. 22 and 23 and suggested adding "or as otherwise directed by the Director of Public Works" to Condition No. 23.

Vice-Chairman Steve Brown understood there were some locations in the City where landscaping was an issue and asked if there was a solution to the problem.

Mr. Eastman explained under normal circumstances, the soils report would state landscaping should not be placed, if, however, landscaping must be placed, certain things had to be addressed and that was what was in the soils report. Title 17 addressed that the landscaping must comply with the soils report and, typically, the landscape architect of record, the design professional and the soil engineer would work together to devise a means to allow landscaping to be placed in the landscaped area. To date, there has not been an instance when they both came back in agreement stating that no landscaping could be placed. Some of the solutions could be costly, but it was possible to put the landscaping in. The problem with offsetting the sidewalk, was that if the City allowed the sidewalk to be placed adjacent to the curb, then the City was supporting creation of a sidewalk that was in violation of Federal Law, which could not be done.

Mr. Cunningham did not understand how the attached sidewalk was not meeting ADA requirements and asked for an explanation.

Mr. Hawkins explained the panned driveway that would be built at each home was not per ADA standards.

Mr. Cunningham explained there were no panned driveways planned on Harold Street for the proposed project.

Mr. Hawkins indicated if there were no panned driveways adjacent to Harold Street, there was no issue with not complying with ADA standards.

Commissioner Jay Aston asked Mr. Cunningham if he was trying to eliminate landscaping.

Mr. Cunningham responded he was not trying eliminate landscaping and explained the goal was to be able to install the landscaping according to the soils report and meet those requirements.

Commissioner Aston clarified that attaching the sidewalk would give more room for landscaping.

Mr. Cunningham stated attaching the sidewalks gave the ability to meet the intent of the soils report.

Vice-Chairman Brown asked the length of the required transition required in Condition No. 12.

Mr. Hawkins explained the transition was based on a calculation using the width and speed of traffic.

Mr. Cunningham indicated they were planning to install the pavement transitions; the issue was that Condition No. 12 called out for full improvements, curb, gutter, sidewalk, street lights, traffic signal pole, interconnect conduit, etc.

Mr. Hawkins explained that was why the wording, "or as otherwise directed by the Director of Public Works" was added to the condition, so they would be able to work with the applicant without having to continue the application.

Vice-Chairman Brown was concerned with the fact the City would require a developer to put in street improvements on property they did not own.

Chairman Trivedi asked for comment from the City Attorney.

Bethany Sanchez, Deputy City Attorney responded she had the same reservation, explaining she had questioned that and was informed the right-of-way was dedicated to the City.

Mr. Cunningham clarified it was his understanding the property was in the County and the right-of-way adjacent to it was in Clark County jurisdiction and not City of North Las Vegas right-of-way.

Deputy City Attorney Sanchez clarified the right-of-way was in Clark County.

Mr. Cunningham stated Public Works was directing the applicant to build a road on County right-of-way.

Deputy City Attorney Sanchez responded that was correct.

Commissioner Aston understood a transition street did not have a full section of gravel under it and did not have curb and gutter and asked the applicant if he had an idea of the cost for the requested street improvements.

Scott Swapp, William Lyon Homes, 500 Pilot Road, Suite G, Las Vegas, NV 89119 responded Public Works required them to provide an estimate of the expenses. The initial negotiation was with Public Works to determine if they could use their contractors to build the off-sights. They determined the cost to be approximately \$260,000 and added that was above the cost of the standard transitions and would have to be amortized into a 32 lot subdivision.

Commissioner Aston understood there were constraints preventing builders from building in North Las Vegas and felt the developer should only have to provide a transition street. On Condition No. 22, he felt it was unreasonable to expect the off-site improvements to be completed before any homes were closed. On Condition No. 23, he felt there should be some effort on the part of the developer to get with the adjacent property owner to remove and replace the block wall.

Mr. Cunningham said the applicant was willing to work with the adjacent property owner on the block wall, but did not want the project stopped if the property owner was not willing to work with the applicant and asked that the condition be amended.

Mr. Swapp added he was more than willing to work with the property owner and fully intended to install the block wall, but did not want a condition added that could hold up the project.

Commissioner Aston asked for a recommendation from Staff on amending Condition No. 23.

Deputy City Attorney Sanchez suggested amending Condition No. 23 to read: "The developer shall communicate with the owner of APN-124-35-701-001 to request the removal of the existing block wall," and adding Condition No. 24 to read: "The developer shall install a new block wall along the property line."

Mr. Swapp was agreeable to the suggested amendment to Condition No. 23 and the addition of Condition No. 24.

Commissioner Joseph DePhillips asked the applicant if they had spoken to the adjacent property owner regarding Condition No. 23.

Mr. Cunningham responded he had not.

Commissioner DePhillips stated he spoke to the homeowner when viewing the site and indicated he was willing to work with the applicant on the removal of the block wall. He noticed when the block wall was removed, it would cause damage to the remainder of the wall and suggested the applicant work with the property owner and come to an agreement.

Mr. Swapp stated he was more than willing to work with the property owner.

Chairman Trivedi agreed with comments made by Commissioner Aston and asked if Condition No. 22 could be amended to mandate that site improvements must be completed prior to final inspection of the last building.

Commissioner Aston explained most developers would try to complete the off-site improvements in order to get traffic to the site and would adjust it to when the bulk of production would take place. He thought the applicant was requesting to delete Condition No. 22.

Mr. Cunningham stated the applicant was requesting to delete Condition No. 22.

Deputy City Attorney Sanchez felt the applicant made a good point, which was that they had signed an off-site improvement agreement and had bonded for the project, so the City had recourse to be able to attach the bond if the applicant were to default on their obligation. If the condition were deleted, the City was not left unprotected.

Commissioner Laura Perkins was agreeable to delete Condition No. 4 but had a problem with Condition No. 12 because the City gets left with bottlenecks and half completed roads and she felt the cost quoted by the applicant seemed exorbitant because the road improvements would have to be completed around the whole site. On Condition No. 22, she suggested adding, "or as otherwise required by the Public Works Director."

Chairman Trivedi stated the City had recourse to complete the street improvements if the developer were to default, so Condition No. 22 could be deleted.

Commissioner Aston asked if the City had recently changed the bonding requirement and if the amount of the bond was now approximately 3 ½ times what it used to be.

Deputy City Attorney Sanchez responded the bond fees were increased, so they would possibly cover the cost of a project in default.

Commissioner Aston asked if the bonding was now adequate with the recent changes to the bonding process.

Deputy City Attorney Sanchez responded that was the intent of the increase.

Commissioner Aston made a preliminary motion to delete Condition No. 4, Condition No. 12 required the applicant to install transition streets on Bruce and Washburn Streets, delete Condition No. 22 and amend Condition No.23 to remove the existing wall upon approval of the current adjacent property owner, and add Condition No. 24 requiring the applicant to construct a new block wall on the property line.

Mr. Cunningham asked if Condition No. 12 was necessary if the street was being constructed to City standards.

Commissioner Aston was agreeable to deleting Condition No. 12.

Mr. Eastman explained the suggested Condition No. 24 was an existing Code requirement, so was not necessary and agreed with Commissioner Aston's suggested wording for Condition No. 23.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 4, 12, AND 22 AND CONDITION NO. 23 AMENDED TO READ:

23. THE DEVELOPER SHALL ATTEMPT TO COORDINATE WITH THE OWNER OF APN 124-35-701-001 FOR THE REMOVAL OF THE EXISTING BLOCK WALL AND UPON APPROVAL BY THE HOMEOWNER, SHALL REMOVE THE BLOCK WALL.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: Commissioner Perkins

ABSTAIN: None

- 14. T-1340 (41576) RHAPSODY SOUTH. AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES INC., PROPERTY OWNER FOR APPROVAL OF A TENTATIVE MAP IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT CONSISTING OF 24 RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BRUCE STREET AND LAMADRE WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-801-001 THROUGH 124-35-801-004.**

The application was presented by Robert Eastman, Principal Planner who explained LaMadre Way to the north of the site had been previously vacated and the applicant was currently going through a vacation request with the County for the northern half. The applicant was requesting a waiver of the requirements, which were similar to the previous application, T-1339, to place the sidewalk along Harold Street at the back of curb instead of separated by five feet. The difference between this application and T-1339 was that the tentative map had homes facing Harold Street and Public Works' comments about the planned driveway did comply with the application. The application was in general compliance with Title 17 requirements and Staff was recommending approval of T-1340 with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this site shall comply with all applicable codes and ordinances.
2. Internal, residential two-way local streets shall be constructed per *Uniform Standard Drawings for Public Works Construction Off-Site Improvements Drawing No. 207 "Option B."*
3. Harold Street shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk.*
4. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
5. All known geologic hazards shall be shown on the preliminary development plan, 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. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.

6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. Clark County 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. This application must abide by all conditions of the approved traffic study.
10. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Bruce Street.
11. 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. Bruce Street
 - b. Harold Street
12. In order to facilitate traffic safety and minimize the area of sawtooth pavement conditions along Bruce Street and Harold Street, the developer shall install additional asphalt along APN 124-35-801-005, 006, 013, and 015 -or- as otherwise required by the Director of Public Works. (Ref: NLVMC 17.24.160.K).
13. All common elements shall be maintained by the Home Owners Association and shall be labeled accordingly on the civil improvement plans and associated mapping.
14. The side lot easement proposed between lots 3 and 4 must conform to the pedestrian access/public utility easement requirements set forth in *City of North Las Vegas Municipal Code* 17.24.210.D.4.a.
15. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
16. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
17. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.

18. A revocable encroachment permit for landscaping within the public right of way is required.
19. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
20. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
21. Proposed residential driveway slopes shall not exceed twelve percent (12%).
22. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
23. All off-site improvements must be completed prior to final inspection of the first building.
24. This application shall comply with the conditions of approval for VAC-06-07, however, should the vacation of the northerly half of La Madre Way be denied by Clark County, this Tentative Map application and VAC-06-07 shall be deemed null and void.

Robert Cunningham, Taney Engineering, 6030 South Jones Boulevard #100, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation with the exception of a couple of conditions. He explained on Condition No. 3, the applicant was proposing to attach the sidewalk due to the soils report indicating there were highly expansive soils on the site; he asked that Condition No. 12 be deleted as the applicant was being requested to install road improvements on property he did not own; and he asked that Condition No. 23 be deleted because it was unrealistic due to the current economic conditions. Mr. Cunningham explained North Las Vegas recently adjusted their bond rates and prices to cover any kind of drop from the project if it was not completed and also the occupancy permit process required the improvements be built before occupancy permits were issued.

Commissioner Jay Aston asked if the ADA requirements had changed, as when there was an attached sidewalk and there was a driveway and someone was in a wheelchair, they were going up and down the approaches; but, if the sidewalk was detached it was a level sidewalk.

Eric Hawkins of Public Works responded when the sidewalk was next to the curb, the slope was too high and when the sidewalk was detached, there was almost no slope and explained panned driveways were no longer allowed on public streets.

Commissioner Aston felt this was a front yard condition and not a street scape condition where the landscaping was minimized and agreed with Staff's recommendation. On Condition No. 12, he was not sure what the applicant was requesting.

Mr. Cunningham responded if Condition No. 12 was deleted, it was already required to put in transitions per Code.

Commissioner Aston clarified when the transitions were installed between both parcels with no curb and gutter, there would be a sawtooth section between the two parcels which he did not care for. He was agreeable to the deletion of Condition No. 23.

Mr. Cunningham suggested keeping the lane oriented in the same direction and not install transitions moving the traffic back and forth, as it would not be necessary.

Commissioner Aston asked how that would work with the curb and gutter on the south property and then only a travel lane and asked how someone would go to the travel lane without a transition.

Mr. Cunningham explained a transition would be built and the pavement would be such there would not be additional lane configurations, but would keep one lane going north and south on Bruce Street.

Commissioner Aston asked Mr. Cunningham if he was willing to add one lane.

Mr. Cunningham responded when the full improvements on Bruce Street were built out, there would be a center lane and then another two lanes past that and instead of putting two travel lanes, they would build one lane, so there would not be a need for traffic to move in and out.

Mr. Hawkins explained the purpose of the wording, "or as otherwise required by the Director of Public Works", was to have the flexibility to do either the full pavement or maybe more transition than was typically required.

Mr. Cunningham indicated they were concerned that the frontage on the project was 300 feet and then there was another 300 feet south of the project and normally the transition would be approximately 100 to 150 feet and this involved redoing driveways on multiple lots.

Commissioner Aston suggested deleting Condition Nos. 12 and 23 and that Condition No. 3 remain.

Vice-Chairman Steve Brown did not like sawtooth streets but did not feel it was incumbent upon the City to request that a small in-fill project be responsible to complete streets that were not part of their site.

Commissioner Dean Leavitt agreed with comments made by Vice-Chairman Brown and felt there should be compromises and concessions on both sides.

Chairman Trivedi concurred with other Commissioners' comments.

Mr. Cunningham clarified on Condition No. 3 that with the detached sidewalk, according to the soils engineer, they would not have any landscaping in the five foot area adjacent to it either way.

Commissioner Aston responded he was concerned the sidewalk in front of the house was detached and the ADA requirement maintained .

Scott Swapp, William Lyon Homes, 500 Pilot Road, Suite G, Las Vegas, NV 89119 explained there was a five foot no plant zone from any structured element per the geotechnical requirements, so if he complied with the soils report, it left no landscaping area.

Commissioner Aston was surprised the soils engineer was defining City sidewalk and curb and gutter as a structural within his report. He understood defining the block wall and the home as being a structure that was related to his report, but the actual street section was more defined by what the City's requirements were and asked if that was correct.

Mr. Swapp explained there was a City standard for the landscaping, which stated per the geotechnical requirement.

Marc Jordan, Planning Manager explained the geotechnical report was discussed, but the way it was set up between Planning and complying with the landscaping requirements adjacent to walls, structures, or sidewalks, and also realizing there was a geotech report, was that the geotech engineer and the landscape professional needed to work together to mitigate any issues so the landscaping could be installed and the 60' street off-set sidewalk drawing or requirement was to get the landscaping between the sidewalk and back of curb, not to eliminate the landscaping.

Mr. Swapp explained he had been working with the geotechnical engineer, but the issues were with the soils and indicated there were recommendations made that would alleviate the problem, but were extremely expensive and not cost effective due to the size of the development.

Commissioner Aston suggested the sidewalk be meandered when it came to the driveway approach, so the sidewalk met the ADA requirement and then bring it back to an attached condition. His motion would be not to delete Condition No. 3.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 12 AND 23 AND CONDITION NO. 3 AMENDED TO READ:

3. HAROLD STREET SHALL BE DESIGNED AND CONSTRUCTED PER THE *CITY OF NORTH LAS VEGAS 60' STANDARD STREET SECTION* WITH SIDEWALK ATTACHED TO CURB, AND MEANDERING TO BE OFFSET FIVE FOOT (5') AT THE DRIVEWAY.

MOTION: Commissioner Aston

SECOND: Commissioner Cato

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

NAYS: Commissioner DePhillips

ABSTAIN: None

Item No. 16 was heard next.

15. **SPR-06-10 (41583) IN-N-OUT BURGER. AN APPLICATION SUBMITTED BY IN-N-OUT BURGERS, A CALIFORNIA CORPORATION ON BEHALF OF MORGAN FAMILY TRUST LTD PARTNERSHIP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 65 FOOT HIGH FREESTANDING SIGN WHERE AN 18 FOOT HIGH FREESTANDING SIGN IS THE MAXIMUM ALLOWED AND TO ALLOW 300 SQUARE FEET OF SIGN AREA WHERE 125 SQUARE FEET IS THE MAXIMUM ALLOWED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-302-006.**

It was requested by the applicant to continue SPR-06-10 to October 13, 2010.

ACTION: CONTINUED TO OCTOBER 13, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Minutes were heard next.

- 16. SPR-12-08 (41586) LAS FLORES SHOPPING CENTER. AN APPLICATION SUBMITTED BY MONTECITO COMMERCIAL, LLC ON BEHALF OF BJS LAS VEGAS, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT CONSISTING OF AN APPROXIMATE 352,200 SQUARE FOOT SHOPPING CENTER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAMILTON STREET AND LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-12-111-01.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting a two year extension of time and when Staff originally reviewed the application a one year extension was supported; however, there was an NRS provision for areas within the Redevelopment area that would allow the Commission to be able to consider options that might be contrary to what was stated in Title 17. In reviewing the application, Staff was supporting a two extension of time; therefore, were recommending approval of SPR-12-08 with an amendment to Condition No. 27 that would change the expiration date to October 1, 2012. The Original conditions of approval are as follows:

1. That, unless expressly, authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. Submit a copy of the revised site plan to the Community Development Department. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. Provide thirty two (32) bicycle parking spaces for the entire development within 100 feet from the building entrances. A typical bicycle parking space shall be at least 6 feet long by 2 feet wide. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking.
 - b. Show staggered landscape diamonds of 5 feet X 5 feet with a tree for every three (3) parking spaces.
 - c. The use of different color or textured materials for the pedestrian connection routes is required.
 - d. Provide a six (6) foot wide foundation landscaping around the proposed new buildings. If the foundation landscaping is determined to be impractical because of soil conditions either landscaping may be transposed with the sidewalk or above ground planters shall be provided .

3. Provide a detail color scheme for all the proposed buildings consistent with the guidelines listed in the Downtown Master Plan/ Investment Strategy.
4. Provide a decorative block wall and/or wrought iron view fence to screen the residential developments along the west and south property lines.
5. A minimum of five (5) stacking spaces shall be provided behind the 'order box' for the fast food restaurant.
6. Approval of a traffic study is required prior to the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue and Las Vegas Boulevard.
8. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.
9. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
11. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
12. All known geological hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. The property owner is required to sign a restrictive covenant for utilities.
18. Relocate Commercial driveway closest to APN 139-13-302-004 on Las Vegas Boulevard North to line up with median opening.
19. Provide a copy of NDOT encroachment permit for landscaping in the public right-of-way and also need an encroachment permit from NDOT for construction of commercial driveway being relocated.
20. Property owner is required to grant a 3 X 30 load pad easement for back of CAT bus turn-out.
21. Show all existing easements and vacation/relinquishment document information of any abandoned easements.
22. All off-site improvements must be completed prior to final inspection of the first building.
23. Fire access lanes shall be located such that no portion of the ground floor walls are located more than 150 feet from an access lane to be measured as a person would walk.
24. Fire access lanes shall be a minimum of 24 feet.
25. Fire access lanes shall be provided with 52 feet outer and 28 feet inner turn radii.
26. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
27. That SPR-12-08 shall expire on October 1, 2011.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 27 AMENDED TO READ:

27. THAT SPR-12-08 SHALL EXPIRE ON OCTOBER 1, 2012.

FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION.

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

- **Juanita Williams-Knight, 3318 Goldman Street, North Las Vegas, NV** inquired what happened with Item No. 4 UN-61-10 and hoped there was not going to be mechanical repair work done on vehicles across the street from her home.

Ms. Williams-Knight was informed UN-61-10 was approved and all work was to be performed inside the building.

DIRECTOR'S BUSINESS

Community Development Director Frank Fiori informed the Commission the Nevada APA Conference would be held in Las Vegas this year September 29, 2010 through October 1, 2010 and any Commissioner wishing to attend should contact Doreen Bickel in the Community Development Department.

CHAIRMAN'S BUSINESS

Chairman Trivedi suggested going to one Public Forum, as there was rarely any participation.

Commissioner Dean Leavitt explained the second Public Forum was added to mirror the City Council Agenda.

Chairman Jay Aston felt both Public Forums should remain on the Agenda.

Community Development Director Frank Fiori added, having two Public Forums allowed someone from the community, who wished to participate to do so at the front of the meeting, especially when a meeting could run until 11:00 or 12:00.

ADJOURNMENT

The meeting adjourned at 7:56 p.m.

APPROVED: October 13, 2010

/s/ Dilip Trivedi
Dilip Trivedi, Chairman

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