

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

April 13, 2011

BRIEFING: 5:30 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 - Absent
Commissioner Jo Cato - Present
Commissioner Laura Perkins - Present
Commissioner Joseph DePhillips - Present

STAFF PRESENT: Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Morgan, Deputy City Attorney
Jennifer Doody, PW Development & Flood Control
Eric Hawkins, Public Works, PW Traffic
Deputy Fire Chief Kevin Brame, Fire Department
Carolyn White, Police Department
Xiaohui Yu, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Laura Perkins

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF MARCH 9, 2011.**

ACTION: APPROVED

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

NEW BUSINESS

- VAC-01-11 (42878) FIRESTONE AUTO CARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRESTONE C/O JONES LANG LASALLE ON BEHALF OF ANN-DECATUR, LLC, PROPERTY OWNER, TO VACATE A PORTION OF AN UNDERGROUND DRAINAGE EASEMENT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND MONTGOMERY STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-30-401-015.**

Item Nos. 1 through 3 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained Item No. 1 was for the vacation of a drainage easement, Item No. 2 was a use permit for an auto service facility, and Item No. 3 was the final development plan for the first phase of a PUD, which encompassed the nine acre site. The first phase was just shy of one acre and was at the corner of Montgomery Street and Ann Road, The PUD, when originally approved, showed the site and parcel containing a small retail strip approximately the same size as the proposed auto service facility. The remaining portion of the site in the PUD contained a much larger strip running along the northern portion of the site and the one parcel was in compliance with the PUD and could go forward as the first phase, so an amendment to the PUD was not required. The final development plan was to show the proposed site was in general conformity with the PUD and then apply for the special use permit for auto service. When reviewing the site plan, the architecture of the building was in general compliance with Title 17 and the Design Standards, the parking lot landscaping requirement had been met, the perimeter landscaping was met and the building was in general conformance with the architectural style approved as part of the PUD; therefore, for the final development plan, Staff was recommending approval. Originally, Staff had recommended continuance, due to on-site circulation concerns; however, with the revised site plan, some of the parking was removed to allow the delivery vehicles to circulate on the parcel and not impede traffic on Montgomery or into the site; therefore, Staff was recommending approval. The use permit was for an auto service facility and while there were a number of other auto service facilities in the area, the site or the use was warranted at the proposed location and Staff was recommending approval of the use permit. As to the vacation, it was for a 30 foot drainage easement, which currently runs in the parking lot of the auto service facility and the applicant was proposing to reduce the 30 foot drainage easement to 10 feet and move it to the east property line. Public Works has reviewed the request and was recommending approval; therefore Staff is recommending approval and that it be forwarded to City Council for final consideration.

Staff was recommending approval of VAC-01-11 with the following conditions:

1. The applicant must submit a drainage study that supports the elimination of the drainage easement to the Department of Public Works for review. If the drainage study is not approved, the vacation will not be recorded and this application shall be deemed null and void.
2. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

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. The following participants came forward:

- **Roger Couture, 4617 Silverwind Road, North Las Vegas, NV 89032** was opposed to the application due to the noise that would be created from the power tools used to replace tires and also the loud music played by the employees.

Chairman Trivedi closed the Public Hearing.

Mr. Gronauer explained the building location was 400 to 500 feet away from Mr. Couture's home and pointed out the facility was not located adjacent to the residential homes in the area and the site exceeded code requirements for buffering and noise concerns for the use. As development continued on the site, there would be other strips and pads in the area so when the site was built out, you would not see or notice the proposed facility from the residential neighborhood. Mr. Gronauer stated the proposed use was for auto care and not just tire sales and the majority of the services would be tune-ups, air conditioning, heating, oil changes and other minor repairs.

Chairman Trivedi asked the hours of operation.

Robert Pinon, Business Representative for Firestone responded they were open seven days per week and the hours of operation were 7 a.m. to 6 p.m.

Vice-Chairman Steve Brown asked Staff to explain the noise ordinance.

Mr. Eastman explained the noise level would be 65 DB at the property line, which could be enforced during normal business hours by Code Enforcement or, if necessary, by the Police Department.

Vice-Chairman Brown explained the 65 DB noise level was not loud and would be barely audible by the residential development.

Mr. Gronauer explained the building faced north/south so the noise should not travel to the residential neighborhood.

Commissioner Jo Cato suggested Mr. Couture contact Staff regarding the noise ordinance.

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, Cato,
Perkins and DePhillips

NAYS: None

ABSTAIN: None

2. **UN-26-11 (42877) FIRESTONE AUTO CARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRESTONE C/O JONES LANG LASALLE ON BEHALF OF ANN-DECATUR, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND MONTGOMERY STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-30-401-015.**

Item Nos. 1 through 3 were presented together. Discussion carried forward from Item No. 1.

The application was presented by Robert Eastman, Principal Planner who explained Item No. 1 was for the vacation of a drainage easement, Item No. 2 was a use permit for an auto service facility, and Item No. 3 was the final development plan for the first phase of a PUD, which encompassed the nine acre site. The first phase was just shy of one acre and was at the corner of Montgomery Street and Ann Road, The PUD, when originally approved, showed the site and parcel containing a small retail strip approximately the same size as the proposed auto service facility. The remaining portion of the site in the PUD contained a much larger strip running along the northern portion of the site and the one parcel was in compliance with the PUD and could go forward as the first phase, so an amendment to the PUD was not required. The final development plan was to show the proposed site was in general conformity with the PUD and then apply for the special use permit for auto service. When reviewing the site plan, the architecture of the building was in general compliance with Title 17 and the Design Standards, the parking lot landscaping requirement had been met, the perimeter landscaping was met and the building was in general conformance with the architectural style approved as part of the PUD; therefore, for the final development plan, Staff was recommending approval. Originally, Staff had recommended continuance, due to on-site circulation concerns; however, with the revised site plan, some of the parking was removed to allow the delivery vehicles to circulate on the parcel and not impede traffic on Montgomery or into the site; therefore, Staff was recommending approval. The use permit was for an auto service facility and while there were a number of other auto service facilities in the area, the site or the use was warranted at the proposed location and Staff was recommending approval of the use permit. As to the vacation, it was for a 30 foot drainage easement, which currently runs in the parking lot of the auto service facility and the applicant was proposing to reduce the 30 foot drainage easement to 10 feet and move it to the east property line. Public Works has reviewed the request and was recommending approval; therefore Staff is recommending approval and that it be forwarded to City Council for final consideration.

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.

Staff was recommending approval of UN-26-11 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. The use permit shall comply with all conditions of approval of FDP-01-11, and Ordinance No. 1398.
3. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
4. Should the associated vacation (VAC-01-11) not be approved and recorded, this site plan shall be redesigned to eliminate the proposed building's encroachment into the drainage easement.
5. Vehicle circulation shall be provided on-site. Vehicles will not be allowed to reverse direction in the public right-of-way. Additionally, vehicles will not be allowed to block the drive aisle.
6. The property owner is required to grant a roadway easement for commercial driveway(s) if not already existing.
7. Prior to approval of the civil improvement plans, the applicant shall provide notification to the adjacent property owner(s) that the commercial access is being constructed per the preliminary development plan approved with ZN-29-97. Additionally, the applicant shall provide a copy of that letter to the Department of Public Works.
8. 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.
9. A revocable encroachment permit is required for landscaping within the public right of way.
10. 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.

Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Roger Couture, 4617 Silverwind Road, North Las Vegas, NV 89032** *was opposed to the application due to the noise that would be created from the power tools used to replace tires and also the loud music played by the employees.*

Chairman Trivedi closed the Public Hearing.

Mr. Gronauer explained the building location was 400 to 500 feet away from Mr. Couture's home and pointed out the facility was not located adjacent to the residential homes in the area and the site exceeded code requirements for buffering and noise concerns for the use. As development continued on the site, there would be other strips and pads in the area so when the site was built out, you would not see or notice the proposed facility from the residential neighborhood. Mr. Gronauer stated the proposed use was for auto care and not just tire sales and the majority of the services would be tune-ups, air conditioning, heating, oil changes and other minor repairs.

Chairman Trivedi asked the hours of operation.

Robert Pinon, Business Representative for Firestone responded they were open seven days per week and the hours of operation were 7 a.m. to 6 p.m.

Vice-Chairman Steve Brown asked Staff to explain the noise ordinance.

Mr. Eastman explained the noise level would be 65 DB at the property line, which could be enforced during normal business hours by Code Enforcement or, if necessary, by the Police Department.

Vice-Chairman Brown explained the 65 DB noise level was not loud and would be barely audible by the residential development.

Mr. Gronauer explained the building faced north/south so the noise should not travel to the residential neighborhood.

Commissioner Jo Cato suggested Mr. Couture contact Staff regarding the noise ordinance.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

3. **FDP-01-11 (42879) FIRESTONE AUTO CARE. AN APPLICATION SUBMITTED BY FIRESTONE C/O JONES LANG LASALLE ON BEHALF OF ANN-DECATUR, LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO DEVELOP THE FIRST PHASE OF A COMMERCIAL/RETAIL CENTER CONTAINING AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND MONTGOMERY STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-30-401-015.**

Item Nos. 1 through 3 were presented together. Discussion carried forward from Item No. 1.

The application was presented by Robert Eastman, Principal Planner who explained Item No. 1 was for the vacation of a drainage easement, Item No. 2 was a use permit for an auto service facility, and Item No. 3 was the final development plan for the first phase of a PUD, which encompassed the nine acre site. The first phase was just shy of one acre and was at the corner of Montgomery Street and Ann Road, The PUD, when originally approved, showed the site and parcel containing a small retail strip approximately the same size as the proposed auto service facility. The remaining portion of the site in the PUD contained a much larger strip running along the northern portion of the site and the one parcel was in compliance with the PUD and could go forward as the first phase, so an amendment to the PUD was not required. The final development plan was to show the proposed site was in general conformity with the PUD and then apply for the special use permit for auto service. When reviewing the site plan, the architecture of the building was in general compliance with Title 17 and the Design Standards, the parking lot landscaping requirement had been met, the perimeter landscaping was met and the building was in general conformance with the architectural style approved as part of the PUD; therefore, for the final development plan, Staff was recommending approval. Originally, Staff had recommended continuance, due to on-site circulation concerns; however, with the revised site plan, some of the parking was removed to allow the delivery vehicles to circulate on the parcel and not impede traffic on Montgomery or into the site; therefore, Staff was recommending approval. The use permit was for an auto service facility and while there are a number of other auto service facilities in the area, the site or the use was warranted at the proposed location and Staff was recommending approval of the use permit. As to the vacation, it was for a 30 foot drainage easement, which currently runs in the parking lot of the auto service facility and the applicant was proposing to reduce the 30 foot drainage easement to 10 feet and move it to the east property line. Public Works has reviewed the request and was recommending approval; therefore Staff is recommending approval and that it be forwarded to City Council for final consideration.

Staff recommended approval of FDP-01-11 subject to the following conditions:

1. This development shall comply with all conditions of Ordinance Number 1398 (ZN-29-97).

2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. The final landscaping plan and building elevations shall be in substantial compliance with the submitted landscaping plan and building elevations.
4. Any future expansion of the building shall match the existing building in design, materials and building colors.
5. Should the associated vacation (VAC-01-11) not be approved and recorded, this site plan shall be redesigned to eliminate the proposed building's encroachment into the drainage easement.
6. Vehicle circulation shall be provided on-site. Vehicles will not be allowed to reverse direction in the public right-of-way. Additionally, vehicles will not be allowed to block the drive aisle.
7. The property owner is required to grant a roadway easement for commercial driveway(s) if not already existing.
8. Prior to approval of the civil improvement plans, the applicant shall provide notification to the adjacent property owner(s) that the commercial access is being constructed per the preliminary development plan approved with ZN-29-97. Additionally, the applicant shall provide a copy of that letter to the Department of Public Works.
9. 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.
10. A revocable encroachment permit is required for landscaping within the public right of way.
11. 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.

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. The following participants came forward:

- ***Roger Couture, 4617 Silverwind Road, North Las Vegas, NV 89032*** was opposed to the application due to the noise that would be created from the power tools used to replace tires and also the loud music played by the employees.

Chairman Trivedi closed the Public Hearing.

Mr. Gronauer explained the building location was 400 to 500 feet away from Mr. Couture's home and pointed out the facility was not located adjacent to the residential homes in the area and the site exceeded code requirements for buffering and noise concerns for the use. As development continued on the site, there would be other strips and pads in the area so when the site was built out, you would not see or notice the proposed facility from the residential neighborhood. Mr. Gronauer stated the proposed use was for auto care and not just tire sales and the majority of the services would be tune-ups, air conditioning, heating, oil changes and other minor repairs.

Chairman Trivedi asked the hours of operation.

Robert Pinon, Business Representative for Firestone responded they were open seven days per week and the hours of operation were 7 a.m. to 6 p.m.

Vice-Chairman Steve Brown asked Staff to explain the noise ordinance.

Mr. Eastman explained the noise level would be 65 DB at the property line, which could be enforced during normal business hours by Code Enforcement or, if necessary, by the Police Department.

Vice-Chairman Brown explained the 65 DB noise level was not loud and would be barely audible by the residential development.

Mr. Gronauer explained the building faced north/south so the noise should not travel to the residential neighborhood.

Commissioner Jo Cato suggested Mr. Couture contact Staff regarding the noise ordinance.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

4. **ZN-98-04 (42863) VISTA CIELO VILLAGE 1 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARMONY HOMES ON BEHALF OF HARMONY 461, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED 85 ACRE PUD, PLANNED UNIT DEVELOPMENT DISTRICT BY ADDING AND RECLASSIFYING AN ADDITIONAL 15 ACRES OF R-1, SINGLE-FAMILY LOW DENSITY DISTRICT WHICH WOULD CONSIST OF AN ADDITIONAL 100 LOTS TO THE PUD, PLANNED UNIT DEVELOPMENT WHICH IS CURRENTLY APPROVED FOR 433 SINGLE-FAMILY LOTS. THE PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-812-003 THRU 124-26-812-005 AND 124-26-815-001 THRU 124-26-815-103.**

It was requested by the applicant to continue ZN-98-04 to May 11, 2011.

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

Chairman Trivedi indicated the Public Hearing would remain open.

ACTION: CONTINUED TO MAY 11, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

5. **T-1343 (42866) VISTA CIELO VILLAGE 1. AN APPLICATION SUBMITTED BY HARMONY HOMES ON BEHALF OF HARMONY 461, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) CONSISTING OF 100 SINGLE-FAMILY LOTS. THE PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-812-003 THRU 124-26-812-005 AND 124-26-815-001 THRU 124-26-815-103.**

It was requested by the applicant to continue T-1343 to May 11, 2011.

ACTION: CONTINUED TO MAY 11, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Item No. 19 was heard next.

6. **UN-08-09 (42882) METRO PAWN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY METRO PAWN ON BEHALF OF COUNTY OF CLARK (AVIATION) & MARCELLO AIRPORT CENTER, LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A PAWNSHOP. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF RANCHO DRIVE AND CAREY AVENUE. (2480 NORTH RANCHO DRIVE). THE ASSESSOR'S PARCEL NUMBER IS 139-18-411-006.**

The application was presented by Robert Eastman, Principal Planner who explained the application was originally approved at 2490 Rancho Drive, Pad 7-C and since that time, the applicant had moved the site to the adjacent pad, 7-B, which was approved administratively by Staff. The floor plan was in compliance with Code requirements and the conditions for the use permit had not changed substantially since the approval in 2008; therefore, Staff was recommending that UN-08-09 be approved subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. Shall comply with all conditions of approval for SPR-14-05. All elevations and colors shall coincide with the existing buildings.
3. A drive-thru window is not indicated on the site plan, therefore, it shall be prohibited.
4. This extension of time shall expire on March 18, 2013.
5. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
6. 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.
7. All off-site improvements must be completed prior to final inspection of the first building.
8. All NV Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
9. The public street geometrics, width of over-pave and minimum thickness of the pavement sections will be determined by the Department of Public Works.

10. The property shall have extra security cameras.
11. A poly-carbonate glazed partition shall separate the employees from the customers.
12. Exterior doors shall be pre-wired with contact plates for an alarm system.
13. There shall be a robbery alarm installed that can be inconspicuously triggered by any employee.
14. The building plans shall be routed to the Police Department for review and approval prior to the issuance of any building permit.
15. Fire access lanes shall be located in accordance with Fire Code requirements.
16. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
17. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
18. The Clark County Department of Aviation requires applicant to file FAA form 7460-1 "Notice of Proposed Construction or Alteration" with the FAA or submit a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation.

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.

**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, Cato,
Perkins and DePhillips**

NAYS: None

ABSTAIN: None

7. **UN-44-06 (42808) ALEXANDER & MLK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GHASSAN SHAMOUN, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ALEXANDER ROAD AND MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-410-011.**

The application was presented by Robert Eastman, Principal Planner who explained the site plan submitted was consistent with the preliminary development plan originally approved with the PUD and the conditions in the neighborhood had not changed substantially since the original approval; therefore, Staff was recommending approval of UN-44-06 subject to the following conditions:

1. This special use permit shall expire on April 25, 2013.
2. UN-44-06 shall comply with the conditions of approval for ZN-22-07.
3. Access ladders and scuppers shall be incorporated into the interior of the structure.
4. A looped water system may be required, subject to review and approval of the Utilities Department. This may require developer to acquire a utility easement from the property to the north.
5. The developer shall provide a meter and backflow for each building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
6. Water main extension is required in Alexander Road.
7. At the time of development, an agreement shall be established with the adjacent property owner (APN 139-04-410-014) in the construction of the shared access driveway on Alexander Road including cross-access agreements; or the driveway on Alexander Road shall be eliminated and ZN-22-07 shall be amended to reflect the changes.

Glen Portier, 1750 Kip Court, 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.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Chairman Trivedi

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

NAYS: None

ABSTAIN: None

8. **AMP-01-11 (42881) CENTENNIAL & TROPICAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY M GRAPE LLC C/O RAYMOND SHAPIRO, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REALIGN THE INTERSECTION OF TROPICAL PARKWAY AND CENTENNIAL PARKWAY. A COPY OF THE PROPOSED AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS IS ON FILE WITH THE COMMUNITY DEVELOPMENT DEPARTMENT.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated they were requesting the amendment as part of a condition of approval for a use permit that was previously approved by the Commission. Staff had no objection to the amendment, as it was conditioned as part of a use permit; however, they were recommending the application be continued, because there was more design work to be done on the intersection before Staff could be in a position to support the request and it was not possible to add a condition to an amendment to the master plan to require the applicant to work with Staff. There were issues involving the developments in the surrounding area that had to be worked out before the application could be supported by Staff; therefore, Staff was recommending AMP-01-11 be continued. Mr. Jordan indicated there was one card received in opposition to the application.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining they met with Staff earlier in the week and there was some discussion where it was agreed the design was acceptable, which was the purpose for an AMP, to look at the alignment, not the final design. It would be highly unusual to have the design before the master plan was approved. He recognized there were some issues relative to the design for the roadway to solve the problems in that area and they were working toward those with Staff and the adjoining developer, but, because the condition was to submit the master plan, they would like to continue moving forward, as it affected the convenience store project currently under review by the City. He indicated if the application was moved forward to City Council, he was confident the issues with Staff, the applicant and the adjoining property developer could be worked out before the application was heard by City Council.

Jennifer Doody of Public Works, explained there was an existing development by D.R. Horton which was impacted by the proposed AMP. There were approved plans and a bond in place for a design that was per the existing Master Plan, which was why they were recommending the application be continued to get the design because it impacts the D.R. Horton property, which was a fully buildable project for them to complete; so, the proposed application directly impacted that design.

Mr. Garcia stated that was understood, but the dilemma was that D.R. Horton, might have a design, but there was no land. The entire development with the current design, goes through the applicant's property. The land had never been dedicated and because of the

impacts that caused the property are not going to get dedicated. They have worked with Staff to create a new alignment without the design, at this point, in full anticipation that the design would be completed; but, you do not do the design until the plan was approved. Staff was not arguing on the alignment, but it was a question of whether the design would get done, which would be done, but the AMP must move forward so they could do the design to get the right-of-way dedicated because without it, the next things the City required was a parcel map and with that map, would be the dedication.

Chairman Dilip Trivedi asked if there had been contact with D.R. Horton on the project.

Mr. Garcia responded there had been a meeting with the applicant, Public Works Staff and D.R. Horton approximately two weeks ago and there has been other communication. Prior to this meeting, he had communication with the Director of Public Works and they were in communication with D.R. Horton, so they were currently working to resolve the issue.

Vice-Chairman Steve Brown asked if there were legal issues involved with the project, as far as if the Commission approved the AMP and the D.R. Horton project failed, if it would affect the City.

Deputy City Attorney Sandra Morgan responded the concern was that there would be inconsistent amendments to the Master Plan with plans currently on file and approved by Public Works. She understood Mr. Garcia's dilemma; however, it would be irresponsible for Staff not to inform the Commission of the existence of the current plans.

Vice-Chairman Brown clarified there would be no chance of losing bond money or for the building of the road from D.R. Horton.

Deputy City Attorney Morgan responded she did not know and had not yet reviewed it.

Vice-Chairman Brown said the property was not dedicated and asked how that would be done.

Ms. Doody explained at the time the plans were approved, they were working with the property owner to build the improvements on the parcel. They were approved with the alignment, so the new alignment did not have the slope, so there was a portion of the improvement that has been put in place that would no longer be necessary and there was more that D.R. Horton was on the hook to build as soon as the right-of-way was dedicated and was all designed per the current Master Plan of Streets and Highways, so if it was to be amended, a design must be in place that would work, so D.R. Horton would have a plan to build from.

Mr. Garcia stated they were prepared to provide the design, but they needed a master plan to have some assurance that it made sense to do the design in order to do the dedication.

Vice-Chairman Brown asked if the vote required super majority.

Mr. Jordan responded it did.

Chairman Trivedi asked Mr. Garcia, if the intersection had been in the works for the past ten years, if continuing the application for four weeks would make a difference.

Mr. Garcia explained the approval affected the current convenience store moving forward and also affected the parcel map. The project was already three weeks behind due to the drainage study which was held up as a result of the application, and with the further delay, the store was ready to go once the civil improvements plans were complete, the parcel map, the actual improvements for the entire store, everything was complete and being held based on the direction Staff indicated they were going if they could not move forward with the AMP and the parcel map.

Commissioner Joseph DePhillips clarified if the application was continued for four weeks, it would not affect the C-Store because it was located at the front corner.

Mr. Garcia responded it should not affect it, but Staff was saying they would not allow the project to proceed because the conditions would hold the store from moving forward until all of the other issues were resolved.

Commissioner DePhillips stated from looking at the aerial view, D.R. Horton had already installed walls to the current design.

Mr. Garcia explained the walls were installed up to the curve where the proposed site was located. They had the bonds to complete the road, but did not have the right-of-way, which was the missing link the applicant was offering to provide.

Commissioner DePhillips suggested the application be continued, so everything could be on the same page, rather than something being misunderstood, as there was a lot of money involved in the redevelopment of the area.

Mr. Garcia explained there was no harm to D.R. Horton and no harm to the City by moving the application forward, but there was great harm to the applicant. He thought his discussion with the Public Works Director was clear that the application could go forward and be resolved between now and when the application was heard by City Council.

Chairman Trivedi asked the Deputy City Attorney if the application were approved, they would not be approving the design, but only the Amendment to the Master Plan.

Deputy City Attorney Morgan responded that was correct.

Chairman Trivedi did not see the problem.

Deputy City Attorney Morgan clarified an approval was not illegal, but it would be irresponsible for Staff not to inform the Commission there was currently plans approved for the site. The design was not being approved, only the Amendment to the Master Plan.

Chairman Trivedi asked the applicant if between now and the time the application would be heard by City Council, the design would be finalized.

Mr. Garcia responded that was correct.

Vice-Chairman Brown stated he liked the new alignment better than the one that was currently in place and was in support of the application.

Commissioner Dean Leavitt understood this had been an on-going challenge for many years and now there was an opportunity to correct and improve the roadway and he was in support of the application.

Commissioner Jo Cato was also in support of the application.

Vice-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 Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

9. UN-24-11 (42874) SOMERSET ACADEMY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ACADEMICA CORPORATION ON BEHALF OF COMMERCE PLAZA LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A SCHOOL. THE PROPERTIES ARE LOCATED AT 385, 405 AND 415 CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-27-115-012, 124-27-115-017 AND 124-27-115-018.

The application was presented by Marc Jordan, Planning Manager who explained the school would be located in a commercial district that was partially developed on the end cap of the building and also taking over the area just to the west that was previously approved for future retail use. According to the site plan, that area would be used as a playground for the school. In reviewing the use permit, a few things Staff would like to see added to the design was four sided architectural features. Mr. Jordan explained the site was a portion of an existing commercial center which was designed to go further to the west, but due to development reasons, that had not been done; therefore, the west elevation was just a plain wall with no architectural features and under normal circumstances, Staff would have had the four sided architectural features wrap around to the side. Since the applicant was not proposing to extend the structure to the west, Staff was requiring that the design of the center be continued to the west side of the building. Staff was also requesting when the playground was installed, that additional trees be installed on the west and south sides to add shading for the children. Two cards were received, one in support and one in opposition to the application. Staff was recommending approval of UN-24-11 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances, including but not limited to all attached departmental memoranda.
2. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, unless otherwise specified herein.
3. The special use permit is site-specific and non-transferable.
4. The building's west elevation shall be improved to include:
 - a. a wainscot, as shown on the north elevation; and
 - b. a cornice, as shown on the north elevation; and
 - c. painted stucco, as shown on the north elevation; and
 - d. stone veneer, as shown on the north elevation; and

- e. a colonnade over the doors, as shown on the north elevation, or another method to provide shade / shelter as students enter and exit the building. If an alternative method is used, it shall be permanently affixed to the building and shall substantially match the design and architecture of the north elevation.
5. All exterior improvements, including but not limited to, the completion of the west elevation (Condition #3 above), the playground (except turf), playground equipment (as identified on the site plan), one basketball court, one four-square court, two tetherball courts, concrete sidewalk around the playground, appropriate pavement markings (as identified on the site plan for drop-off / pick-up lane), and wrought-iron fence shall be provided prior to the issuance of a certificate of occupancy.
6. The "New Fence" identified on the site plan (SHT A1.1) proposed to be located across the colonnade (adjacent to the north side of the building) between the proposed school and the "Existing Daycare, Suite I" will not be permitted. The shopping center's pedestrian connections shall remain unobstructed and accessible to the public.
7. All 148 on-site parking spaces identified on the site plan (Sheet "SHT A1.1") shall remain open and accessible to the public. With the exception of required ADA parking stalls, no other parking stalls shall be considered or labeled as "reserved" for the school or specific school personnel. Any vans, shuttles or transport vehicles for the school shall be parked off-site during non-school hours.
8. The Multi-Purpose Room / Cafeteria is limited to no more than 285 persons, for dining, assembly or otherwise.
9. Turf shall be limited to 12,000 square feet and shall only be used in the area identified on the site plan.
10. A minimum sixteen (16) shade trees (24" box) shall be planted along the southern and western edges of the playground areas. The trees shall be spaced not greater than 20 feet on-center. Specific species shall be subject to review and approval by staff during the review of the landscape and irrigation plans.
11. With the exception of the proposed turf, all landscaping and irrigation shall be provided with the first phase of construction / tenant improvements. Irrigation lines intended for turf irrigation shall be stubbed until such time that the turf is installed.
12. The playground areas west of the building shall be fully enclosed by wrought-iron fencing.

13. Approval of a traffic study update is required prior to approval of the civil improvement plans.
14. A drainage study for the project is required, however, due to the size of the area being developed, this project may be eligible for a drainage study waiver. A presubmittal meeting is required for drainage study waivers. To apply for a drainage study waiver, contact Public Works - Development & Flood Control Division at 633-2771.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant explaining the site was approximately 20 acres and they would be using approximately five acres of the site for the proposed school. He requested that Condition No. 8 be amended to allow them to comply with Fire and Building Code for the occupancy limit and asked that it be amended to read: "The Multi-purpose room/cafeteria is limited to the fire code occupancy standards for dining, assembly or otherwise."

Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Crystal Thiriote, 708 Barite Canyon Drive, North Las Vegas, NV 89081** was in support of the application. She presented a petition with approximately 90 names showing support for the proposed school.

Vice-Chairman Steve Brown asked Ms. Thiriote if she had concerns for the safety of the children walking through a parking lot to go to school.

Ms. Thiriote responded she was not concerned as it was a charter school, which was different than a public school. With charter schools, most children were picked up and dropped off by their parents.

- **Brittney Noble, 1604 Dragonfly Ranch Lane, North Las Vegas, NV 89081** was in support of the application as the City of North Las Vegas needed some options as far as schooling for children and she did not have concerns with the location. Most charter schools started out in commercial areas due to money issues and she did not feel her children would be in any danger.
- **Stephanie McMillan, 6016 Peacock Pine Street, North Las Vegas, NV 89031** was in support of a charter school as she lived approximately three blocks from the proposed location and was happy to have options for schooling.
- **Candace Willhite, 609 East LaMadre Way, North Las Vegas, NV 89081** was in support of the application and was not concerned with the safety of her children.

- **Kari Pectol,, 245 East Centennial Parkway #3077, North Las Vegas, NV 89084** was in support of the school and also the location. She felt the school would be good for the area as there were vacant buildings and this might motivate the community. She did not have concerns for her children's safety. She currently had a child in middle school and feared more for his safety at school than she would a child walking through the parking lot.

Chairman Trivedi closed the Public Hearing.

Carolyn White of the Police Department explained the Police Department had several concerns regarding public safety in the area of the proposed application, not only for pedestrian but the increase in vehicular traffic. Being a charter school, there will not be the option for public school bussing or for the Clark County School Police to respond, so that would increase the burden on the Police Department. Also, there was concern with the increase in vehicular traffic in the area, because parents would have to drop their children off and pick them up, in a commercial shopping center that had several vehicular based businesses, such as a gas station, auto repair and fast food restaurants. They do support the business and having the building occupied, as currently, it was an eyesore, but their concerns were for public safety.

Chairman Trivedi said re-purposing vacant buildings was a good idea, which was why he supported the text amendment to allow schools in commercial districts.

Commissioner Jo Cato agreed that education needed to be upgraded in North Las Vegas.

Commissioner Dean Leavitt inquired if the school was successful, if there was any consideration for future expansion at the proposed location.

Mr. Gronauer responded the proposed school was a permanent facility with no planned expansion. If there was a demand, they would consider other locations within North Las Vegas or the vicinity to build other charter schools.

Commissioner Leavitt was in support of the application.

Commissioner Joseph DePhillips was in support of the application and asked if school staff would be overseeing the children coming to and from school.

Mr. Gronauer explained the budget allowed for crossing guards or monitors to oversee the children.

Commissioner DePhillips asked if fire safety would be kept up to Code.

Mr. Gronauer explained the use had to go through fire inspection and they would be in full compliance.

Commissioner Laura Perkins asked the age range for the proposed school.

Mr. Gronauer responded the age range was Kindergarten through Eight.

Commissioner Perkins asked if a buffer would be added between the school and the residential area to reduce the playground noise.

Mr. Gronauer responded there would be trees on the south side and there was wrought iron fencing.

Chairman Trivedi clarified there would be crossing guards and asked that those not be cut, if there were budget cuts.

Chairman Trivedi asked if a traffic study was required.

Mr. Gronauer responded there was a condition which required a traffic study and they would provide the study and address any mitigation measures required.

Chairman Trivedi asked if the building was sprinklered.

Mr. Gronauer responded it was sprinklered.

Chairman Trivedi asked if the lease was long-term or short-term.

Mr. Gronauer responded there was a 20 year lease.

Mr. Jordan read an amendment to Condition No. 8 as follows: "The multi-purpose room/cafeteria shall comply with occupancy requirements established by the North Las Vegas Fire Code and Building Code."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 8 AMENDED TO READ:

8. THE MULTI-PURPOSE ROOM/CAFETERIA SHALL COMPLY WITH
OCCUPANCY REQUIREMENTS ESTABLISHED BY THE NORTH
LAS VEGAS FIRE CODE AND BUILDING CODE.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

10. UN-25-11 (42876) CRAIG ROAD INDUSTRIAL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PICO VEGAS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 4220 E. CRAIG ROAD, SUITES 1, 4, 5 AND 8. THE ASSESSOR'S PARCEL NUMBER IS 140-06-610-019.

The application was presented by Marc Jordan, Planning Manager who explained there were other auto repair facilities currently operating within the proposed building. In addition, a couple of the suites the applicant was proposing to use, were previously approved for auto repair uses, but those use permits had expired. One card was received in support of the application. The site meets all parking requirements and Staff was recommending approval of UN-25-11 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. All work shall be performed within a building.
3. All vehicles awaiting repairs or pick-up over night shall be stored inside a building, or properly screened in accordance with the requirements in Title 17.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 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.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

11. UN-27-11 (42880) FAST TOWING INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FAST TOWING INC ON BEHALF OF PRATTE LONE MOUNTAIN PROPERTY, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE IMPOUND YARD. THE PROPERTY IS LOCATED AT 2900 EAST LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-403-010.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to utilize a portion of an existing site that was previously used for outdoor manufacturing of trusses and a portion of the site was still being used to manufacture trusses. The property was fully enclosed and paved. Staff had no objection to the use with the understanding that the applicant realized it was an impound yard and could not be converted to a junk yard or salvage yard as it would not be in compliance for an impound yard. All vehicles must be operating, running and licensed. Mr. Jordan indicated there was one letter received in opposition to the application. Staff was recommending approval of UN-27-11 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 vehicles shall be screened from view of all streets within one hundred (100) feet of the site by a solid, decorative wall at least eight feet in height. The height of the vehicles, and or equipment shall not exceed the height of the screening wall.
3. That the dismantling and servicing of any vehicles and or parts of a vehicle within the automobile impound yard is prohibited.
4. That all vehicles stored shall remain mechanically operable and licensed at all times.
5. That all areas for vehicular circulation and storage shall be paved with drainage controls to control and prevent excess runoff and standing water.
6. That UN-27-11 is site-specific and non-transferable.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant giving some background on the applicant. The applicant was looking to expand their business and the proposed site was industrial and was fully developed with block walls, screening and the use was strictly an impound facility and there would be no repairs or dismantling of vehicles taking place.

Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Bud Sutton, PO Box 1718, Las Vegas, NV 89125** appeared on behalf of Pete King Commercial LLC and read a letter, prepared by Bruce King, in opposition to the application and requested the application be continued.
- **Jason Jensen, 3332 East Maule Avenue, Las Vegas, NV 89120** appeared on behalf of the Meldrum Family Trust and LMBG requesting that the Commission deny the application as it did not support the businesses currently in the area. The proposed use would lower property values and would not attract the type of tenants the City needed to promote the economy and the City.

Mr. Gronauer pointed out the zoning was M-2 and there were industrial uses in the area. The proposed site was fully improved and enclosed with block walls. When driving along Lone Mountain Road or Statz Street you would not know there was an impound yard except by the signage. Mr. Gronauer explained Fast Towing was moving to a new location as they were expanding and would be creating 20 to 40 new jobs.

Chairman Trivedi asked Mr. Gronauer if he had contacted the adjacent property owners.

Mr. Gronauer responded he did not, as he did not feel there was a need, as it was a use permit in an M-2 zoned area. He was not aware of any opposition until this meeting.

Chairman Trivedi asked if there would be electric fencing installed on the property.

Mr. Gronauer responded there would be no electric fencing. They would have video cameras around the property for security, as the property was very well screened.

Vice-Chairman Steve Brown asked the applicant if he would be amenable to continuing the application in order to have discussion with those who were opposed to the application.

Mr. Gronauer responded he was willing to continue the application if those in opposition were willing to work with the applicant, but if they were adamantly against the application and not willing to work with the applicant, he did not want to continue.

Chairman Trivedi asked Mr. Jensen if he was willing to work with the applicant.

Mr. Jensen responded on behalf of Meldrum Family Trust and LMBG that they would not be willing to negotiate with the applicant as they were opposed to the use at the proposed location.

Chairman Trivedi asked Mr. Sutton if he was willing to work with the applicant.

Mr. Sutton responded on behalf of Pete King Commercial, LLC that they would be willing to meet with the applicant to discuss the issues.

Chairman Dilip Trivedi agreed with Vice-Chairman Brown that the application should be continued even though the use was suitable for the area, so the applicant could show they were a good neighbor.

Mr. Gronauer agreed.

Chairman Trivedi suggested maybe the landscaping be increased for a better buffer.

Mr. Gronauer responded the property was very nice and had great screening but the perception was that they were storing vehicles. He stated it was an impound yard only and there would be no dismantling of vehicles. He stated he would meet with the parties who were in opposition to discuss their concerns.

Commissioner Laura Perkins stated she felt comfortable with going forward with the application as the use was suitable for an M-2 District. It was an impound yard and not a salvage yard or junk yard. She stated she drove by the site and it was very well screened and the contents of the yard were not visible from the street.

Vice-Chairman Brown agreed with comments made by Commissioner Perkins. He had asked if the applicant was willing to continue but had confused a wrecking yard with an impound yard and he understood the difference and did not feel the use would be a detriment to the community and was in support of the application.

Commissioner Jo Cato agreed with Commissioner Perkins that the application should be considered.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

12. UN-28-11 (42883) NELLIS MANOR WARD - LDS CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND WALNUT ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-30-201-007.

The application was presented by Marc Jordan, Planning Manager who explained the request was similar to one approved in 2006 with a slightly larger building. The applicant was proposing over 19,000 square feet for a building and it was previously approved for 16,500 square feet; however, that was a minor amendment and staff had no objection. The property was over 10 acres but the applicant was proposing to utilize less than four acres of the property. In reviewing the use permit, Staff had no objection but was recommending continuance of the application. Public Works indicated the site plan, as drawn, does not show dedication for a flared intersection and because of that flared intersection, the design could have an impact on the perimeter landscaping and when that was increased, it could have an impact on the set-back and the location of the parking and when that was taken into consideration, it could have an impact on the location of the building, which could create a ripple effect and could be a major amendment. Staff was recommending that UN-28-11 be continued. The applicant should also take a look at the perimeter landscaping on the site. They were showing less than 20 feet of landscaping, which was required. In the Staff Report, there had been some recommendations to increase where they were proposing to parcel it off to be able to supply the full 20 feet of landscaping on the north and west property lines to comply with the buffering requirements. This would also allow them to comply with some additional landscaping requirements in the parking lot. Otherwise, they would need to shrink some of the landscaping around the building to comply. Either one would be a minor change to the plan, but because of the additional right-of-way dedication for the flared intersection, Staff was recommending continuance. There were three cards in opposition and one in support of the application. 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, including but not limited to all attached departmental memoranda.
2. That UN-28-11 is site-specific and non-transferable.
3. That a minimum one parking space be provided for every four (4) seats in the main sanctuary. Maximum seating details shall be provided by the applicant prior to the approval of any civil improvement plans or parcel map.

4. That the elevations generally conform to those submitted with this request, unless otherwise addressed herein, and that clay or concrete roof tiles be provided.
5. The construction of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 1. A minimum 20 feet of landscaping shall be provided along the western, northern and eastern property lines.
 2. At least one of the rows of head-to-head parking shall contain a 6-foot landscape strip between the head-to-head parking stalls, or each row of head-to-head parking shall contain one landscape diamond (5'-0" x 5'-0") for every third set of head-to-head parking stalls, or fraction thereof. Each landscape diamond shall contain one 24" box tree and enough shrubs to provide a minimum 60% ground coverage (not including tree canopy) within two years of planting.
 3. All sidewalks required with this development shall be separated from the back-of-curb by a minimum five feet of landscaping and shall be meandering.
 4. A photometric lighting plan shall be submitted in conjunction with the building permit. The plan shall identify foot-candle readings throughout the site on a 10-foot grid. The foot-candle readings at the perceived property lines, as depicted on the proposed site plan, cannot exceed 0.5 fc. The maximum height of any lighting standard shall be 20 feet.
 5. All landscaping, unless otherwise mentioned herein, shall be in compliance with the Commercial Development Standards and Design Guidelines.
 6. The trash enclosure and storage building shall be designed to match the principal structure, including a roof on each structure.
 7. One landscape island shall be provided at each end of all rows of parking. Additionally, one landscape island shall be provided for every fifteen parking spaces within the row.
 8. A screen wall shall be constructed along the northern and eastern perceived property lines. If there are circumstances where a block wall is not currently constructed along the western property line, then one shall be provided along said property line, as well. The block wall shall be a minimum six feet in height (as measured from the higher elevation/grade) and shall be decorative on both sides.

6. Any proposed parcel map for the subject site shall measure a minimum 497'-2" on the eastern and western sides and a minimum 348'-0" on the northern and southern sides, unless the applicant can otherwise demonstrate compliance with all conditions mentioned herein. A revised site plan, showing compliance with all conditions mentioned herein, shall be provided for review and approval by the Planning and Zoning Division prior to the approval of any parcel map for the subject site.
7. 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.
8. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
9. 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:
 1. Tropical Parkway, including bus turnout and flared intersection
 2. Walnut Road, including flaring and right turn lane
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. 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.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
14. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
15. The property owner is required to sign a restrictive covenant for utilities.
16. All off-site improvements must be completed prior to final inspection of the first building.

Wade Simpson of Pugsley, Simpson, Coulter Architects, 2480 East Tompkins Avenue, Las Vegas, NV 89121 appeared on behalf of the applicant indicating the applicant agreed with Staff recommendation and added their intent was to increase the size of the property being used to allow them to meet the recommendations made by Staff and requested the application be allowed to move forward.

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

Chairman Trivedi closed the Public Hearing.

Chairman Trivedi asked Staff if it was possible to move forward with the application with the condition to realign the property lines.

Mr. Jordan responded Condition Nos. 9.1 and 9.2 required the applicant to provide street improvements but Staff was requesting a continuance to allow the applicant to provide a revised site plan showing the improvements. He pointed out if the application was approved, the applicant should be aware that, other than the bus turnout lane, those items could not encroach into the landscaping; therefore, they would have to increase everything appropriately to provide the dedications.

Mr. Simpson agreed to increase everything to accommodate the dedications and intended to submit the revised site plan as soon as possible.

Chairman Trivedi asked the applicant if the site was over parked.

Mr. Simpson responded they were over parked as it was necessary.

Chairman Trivedi asked if the parking could be done in phases.

Mr. Simpson responded it was more economical to install it at one time and the need was there for the parking when the project was completed.

David Lystrup, 312 Forrest Ridge Drive, Henderson, NV, the applicant's representative, explained the parking spaces were required because many of the members bring two cars to church and they do not all meet at the same time. There was a three hour block and there were three wards that meet in a building with overlapping schedules, so the parking was required to accommodate the members. It would also not be cost effective to install the parking lot in phases.

Chairman Trivedi asked if they had considered using vans to transport members to and from church.

It was indicated that would not be practical.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

- 13. ZN-27-00 (42886) CHEYENNE VALLEY GATEWAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LBCB LLC SERIES CVG RETAIL, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO AMEND A CONDITION REGARDING PERMITTED USES IN THE "RETAIL" PORTION OF THE SITE. THE PROPERTY IS LOCATED AT 4370 W. CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-417-004 THRU 139-07-417-014.**

The application was presented by Marc Jordan, Planning Manager who explained the application was for an amendment to Condition No. 13 for an existing PUD located at the northwest corner of Valley Drive and Cheyenne Avenue. Currently, Condition No. 13 read that principally permitted uses within the C-1 District can request a special use permit within the front building of the PUD, which were commercial type uses and then lists some exemptions. The applicant was requesting that the condition be amended to also allow them to be able to come forward to the Commission with uses listed as special uses in the C-1 District. Mr. Jordan stated there were two cards received in opposition to the request. Staff had no objection and was recommending approval of ZN-27-00 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 following right-of-way dedications are required:
 - a. Right-of-way for a CAT bus turn-out on Cheyenne Avenue near Valley Drive.
 - b. Additional right-of-way for a flared intersection per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* at Valley Drive and Cheyenne Avenue.
3. The property owner shall grant an easement for the commercial driveways prior to approval of the civil improvement plans.
4. The property owner shall sign a restrictive covenant for utility easements prior to approval of the civil improvement plans.
5. An encroachment permit for landscaping in the right-of-way will be required prior to approval of the civil improvement plans.

6. The plans must show the public utility easement granted per document 870626:00851 (affects north 10' of south 60').
7. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
8. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
9. No more than 15% of the entire development shall be allocated for retail/service uses.
10. That the retail and office areas of the development shall be in compliance with the Commercial Design Standards, including but not limited to parking lot landscaping, foundation landscaping, pedestrian plaza open space and pedestrian walkways.
11. That the business park areas of the development shall be in compliance with the Industrial Design Standards, including but not limited to parking lot landscaping, foundation landscaping, pedestrian plaza open space and pedestrian walkways.
12. That the design theme of the business park be consistent with that of the commercial area .
13. That the uses permitted within the retail buildings be limited to those identified as "Principally Permitted Uses" in the C-1, Neighborhood Commercial, district with the following exceptions, which shall not be permitted: Appliance sales and services, auto supply store, department store, furniture store, garden supply store, grocery store, hardware store, hunting and fishing supply store, paint and wallpaper store, and pet shop. Those uses identified as "Special Uses Subject to Section 17.24.020" in the C-1, Neighborhood Commercial, district may be allowed, but only in accordance with the procedures and requirements set forth in the Zoning Ordinance.
14. That the following uses shall be considered "Principally Permitted Uses" within the commercial areas and shall not require individual Planning Commission consideration as part of this PUD: banks and financial institutions regulated by the federal government.
15. That the uses permitted within the business park shall be limited to those identified as "Principally Permitted Uses" in the M-1, Business Park Industrial, zoning district with the following exceptions, which shall not be permitted: Outdoor storage, exterminator shop and manufacturing.

16. That all free-standing signage be limited to monument-type, which shall not exceed eight (8) feet in overall height. All free-standing signs shall be sized and located in accordance with the requirements set forth in the Zoning Ordinance.
17. That all trash enclosures shall be located a minimum of fifty (50) feet from the residential development to the north of this site.
18. That a final development plan be reviewed and approved by the Planning Commission for each phase of development.
19. That the development of this PUD shall be in compliance with all applicable codes and ordinances in effect at the time of construction. If there is a conflict with the conditions stated herein, the more restrictive shall apply.
20. The applicant shall be required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, and may, depending upon the FAA's determination, also be required to obtain a permit from the Clark County Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment, prior to construction.
21. An aviation easement shall be completed and submitted to the Clark County Department of Aviation for all new construction that is within the airport environs.
22. No structures, including signage or fencing shall be permitted within 25 feet of the Runway Protection Zone (clear zone).
23. The applicant shall submit a traffic study update for review and approval.
24. 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.
25. Automobile, boat or recreational vehicle sales with daytime outdoor display shall be allowed only if approved with a special use permit. The number of vehicles or boats that may be displayed outdoors shall be determined at the time of the special use permit. This use shall be included as part of the development's allowable commercial retail percentage (15%) of the site. Daytime shall be defined as 6:00 am until 11:00 pm. No service or repair of vehicles or boats shall be allowed.

Richard Gallegos, 3005 West Horizon Ridge Parkway #200, Henderson, NV 89052 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.

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, Cato,
Perkins and DePhillips

NAYS: None

ABSTAIN: None

14. UN-20-11 (42651) FIRST IMPRESSIONS BARBERSHOP (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ANTHONY M. STATEN ON BEHALF OF DESERT HOLDINGS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A RETAIL COMMERCIAL USE. THE PROPERTY IS LOCATED AT 2755 WEST CHEYENNE AVENUE, SUITE 106. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-047.

The application was presented by Marc Jordan, Planning Manager who explained there were currently two tenants in the proposed building, which was approximately 8800 square feet. The applicant was proposing to occupy 800 square feet. The building was designed more as a retail space, even though it was in an industrial area. There have been other retail uses in the building, such as a food court, that was approved, but had expired. Staff was recommending approval of UN-20-11 with the deletion of Condition No. 2 of the recommended conditions. The original recommended conditions are as follows:

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

Anthony Staten, 6225 Darr Street, North Las Vegas, NV appeared on the application indicating he concurred with Staff recommendation.

Commissioner Dean Leavitt wished the applicant the best with his business.

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 WITH THE DELETION OF CONDITION NO. 2

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

15. UN-21-11 (42666) REFLECTION SOUTHERN BAPTIST CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REFLECTION SOUTHERN BAPTIST CHURCH ON BEHALF OF DESERT HOLDINGS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 2755 WEST CHEYENNE AVENUE, SUITES 102, 103 AND 104. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-047.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to utilize Suites 102, 103 and 104, which was approximately 2500 square feet. The applicant indicated services would be on Sunday from 8 a.m. to 10:30 a.m. and on Wednesday from 6 p.m. to 8 p.m. Mr. Jordan indicated there was one card received in support and one in opposition to the application. Staff was recommending approval of UN-21-11 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Existing and new demising walls separating the proposed church from adjacent tenant spaces with business occupancies shall have minimum one (1) hour fire rating if building is sprinklered or two (2) if non-sprinklered.

Henry Smith, 5361 East ?? Boulevard, Pahrump, NV appeared on behalf of 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.

Vice-Chairman Steve Brown was in support of the application.

Commissioner Dean Leavitt asked the size of the congregation.

Mr. Smith responded currently there was approximately 30 to 35 members.

Commissioner Leavitt asked if the Wednesday evenings would be bible study.

Mr. Smith responded that was correct.

Commissioner Jo Cato was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Perkins

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

16. UN-22-11 (42860) RAPID CASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAPID CASH/SPEEDY CASH ON BEHALF OF GNP LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO ALLOW AN AUTO TITLE LOAN FACILITY. THE PROPERTY IS LOCATED AT 2332 CIVIC CENTER DRIVE . THE ASSESSOR'S PARCEL NUMBER IS 139-23-503-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy the existing building which was previously a furniture store. They were proposing complete facade improvements, which would include windows and other architectural features, primarily on the front, north and south elevations. Also, with stucco and other improvements on the east elevation. The applicant was also proposing to do on-site improvements to include landscaping where none currently existed. The landscaping next to Civic Center Drive would range from two feet to 20 feet. It would go down to two feet as they still had to allow for the required parking on the site and Staff was allowing flexibility because they were proposing landscaping where none currently existed. They were also proposing landscaping along Carey Avenue that would range from 10 feet to 60 feet deep between the building and the sidewalk and they were also proposing some planter areas in front of the building along the sidewalk. The applicant requested some waivers to the Zoning Ordinance. Mr. Jordan explained an auto title loan was required to be three linear miles from like uses; therefore, the applicant was requesting the Commission to consider waiving that separation requirement. Currently, there was a Super Pawn located at 1611 North Las Vegas Boulevard, which was approximately 1.2 miles from the site and an EZ Pawn located at 2820 Craig Road, which was approximately 2.6 miles from the site. In addition, the applicant was also required to be at least 500 feet away from developed residential and the nearest developed residential, which was north of the property, was approximately 214 feet away. The applicant was asking for the waiver under an NRS provision, which was NRS 279.432. Mr. Jordan explained if the site was not in the Redevelopment Area, Staff would not have been able to accept the application. The NRS provision gave the Commission and the Redevelopment Agency the ability to waive local codes and ordinances in the spirit of redevelopment on property. Staff was recommending approval because the Redevelopment plan adopted in 1990 or 1991 lists some objectives, which are listed in the Staff Report. Some of them are to encourage improvements to eliminate blight in the area, also to strengthen the commercial retail functions of the sub-district and also to provide jobs and it appears the applicant would be meeting some of those objectives. Mr. Jordan pointed out there was a Farmer Boys Restaurant approved next to the proposed site and part of the development included a lot of landscaping with the inclusion of some Phoenix Date Palm trees that would have a minimum height of 20 feet to the base of the fronds. Staff was requesting the applicant

incorporate the same type of landscaping into their design. Staff requested seven date palms, two on each side of a pedestrian walkway that connects to the corner and the building and then three on the east side of the building in the landscape area, which would help tie in the landscaping in the area. Three cards were received, two in support and one in opposition to the application. Staff was recommending approval of UN-22-11 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. Landscaping shall be provided as shown on the site plan. Furthermore, the improvements within the landscaped areas shall be provided as follows:
 - a. A minimum 60% of ground coverage of shrubs and ground cover shall be provided within two years that a certificate of occupancy is issued.
 - b. A three (3) foot high decorative wall shall be provided in front of the parking spaces fronting Civic Center Drive. Landscaping shall be provided between the wall and the property line.
 - c. A minimum of seven (7) Phoenix Date Palms, with a 20-foot height to the base of the fronds shall be provided as follows:
 - (1) Four (4) Phoenix Date Palms, two (2) on each side of the pedestrian connection (labeled "new sidewalk") on the site plan between the public sidewalk at the intersection of Civic Center Drive and Carey Avenue and the building.
 - (2) Three (3) Phoenix Date Palms, shall be provided east of the building, between the building and the property line near the driveway entrance on the adjacent parcel.
 - d. All other plant materials (including trees, ground cover, and decorative rock) shall be consistent with the landscape plan of the adjacent Farmer Boys development.
3. Building remodeling shall be generally consistent with the building elevations submitted as part of this use permit. Materials and colors must also comply with those standards outlined in the Commercial Development Standards and Design Guidelines.

4. The trash enclosure is required to match the building in materials, colors, and design, and include a roof.
5. Access to the roof shall be from within the building. Exterior roof ladders are not allowed.
6. The existing driveway on Civic Center Drive shall be removed and reconstructed per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 226.
7. The remaining driveways on Carey Avenue and Civic Center Drive shall be removed and replaced with curb, gutter and sidewalk per the applicable standard drawings.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.

Lucy Stewart, 101 Convention Center Drive #1002, Las Vegas, NV 89109 appeared on behalf of the applicant explaining they were adding landscaping and following Staff's recommendation to carry the landscaping around the building. They would be changing the roof to a mansard roof, which was standard for the Rapid Cash locations. She explained Rapid Cash was a nationally known company and prided itself in customer service. Ms. Stewart also included comments on Item No. 17, UN-23-11 and Item No. 18, UN-29-11. It was 350 to 400 thousand dollars to redo a building and they spend approximately 350,000 per year on their employees, which does not include benefits. In 2008 they had 913,017 transactions in the Las Valley with six complaints filed, which was a very small number of complaints compared to the number of transactions and in 2009 they had 1,105,877 transactions with eight complaints filed and in 2010 they had 1,354,925 transactions with 14 complaints filed. There was an increase in complaints as they had a vendor who was causing a problem, which was taken care of.

Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

- **Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113** appeared on behalf of owners and developers of Cheyenne Point Commercial Shopping Center, which was the center off of Cheyenne and Civic Center Drive and Las Flores Shopping Center. The opposition to the applications, was that it was their understanding that in the Redevelopment area, the City's policy or position was not to have check cashing and auto title loan facilities within the Redevelopment area and due to that, no applications were brought before the Commission or Redevelopment Agency when they had the opportunity. If the policy and position had changed within the City, his clients would be looking to apply for the same type of uses in the Redevelopment area.

Chairman Trivedi closed the Public Hearing.

Commissioner Dean Leavitt asked the applicant if she had a rendering of an existing Rapid Cash facility.

Ms. Stewart showed a picture of the interior but did not have a picture of the exterior.

Vice-Chairman Steve Brown clarified the distance requirements did not apply because the use was in the Redevelopment area.

Mr. Jordan responded that was not correct and explained that because the use was in the Redevelopment area and because of the NRS Statutes, they have the ability to ask for a waiver of the requirements.

Chairman Trivedi asked if the application was approved, if a precedence would be set.

Mr. Jordan responded Staff reviewed an application that proposed elimination of blight that would strengthen the Redevelopment commercial functions and would provide jobs, some of the objectives of the downtown Redevelopment area and as part of that, the applicant was requesting waivers and Staff did not have any objections to development on the proposed corner. He pointed out all applications had to be reviewed on their own merit; therefore, he did not feel it was setting a precedent, as there have been no other applications submitted for this type of use in the Redevelopment area.

Commissioner Laura Perkins agreed the corner was in blight and the proposed project would improve the corner and pointed out Rapid Cash serviced a different clientele than Super Pawn or the Auto Title Loan.

Commissioner Jo Cato asked the applicant if Rapid Cash would be hiring employees who lived in the Redevelopment area or if they would be recruiting from outside the area.

Ms. Stewart was not able to answer the question, but stated they do hire locally and included they supported the community, so if the neighborhood to the north had a sports team who needed assistance, they would be willing help.

Chairman Trivedi asked the applicant what set their business apart from other similar type businesses.

Ms. Stewart explained Rapid Cash functioned as a lending institution. They provided installment loans, unsecured loans, payday loans, check cashing, title loans, prepaid debit cards, cash for gold, wire transfers, money grams, money orders, stamps, copies, faxes, and net spend. When she checked out the other deferred deposit facilities in the area, it seemed the services were incidental to their business.

Chairman Trivedi questioned if credit checks were performed for the clientele.

Ms. Stewart responded that depended on the type of service being requested.

Vice-Chairman Brown asked if someone were to take out an auto title loan and they did not pay it, what happened to the vehicle.

Ms. Stewart responded the goal was not to take the vehicle. They would try to work with the client to get the loan paid back.

Chairman Trivedi asked Staff if the waivers allowed by NRS would be applicable to all applications in the Redevelopment area.

Mr. Jordan responded the NRS Statute applied to the Redevelopment area, so anyone within the Redevelopment area could request the waivers.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

17. UN-23-11 (42861) RAPID CASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAPID CASH/SPEEDY CASH ON BEHALF OF GNP LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO ALLOW A DEFERRED DEPOSIT AND SHORT TERM LOAN FACILITY. THE PROPERTY IS LOCATED AT 2332 CIVIC CENTER DRIVE . THE ASSESSOR'S PARCEL NUMBER IS 139-23-503-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting the Commission to consider a waiver of the separation requirements from the deferred deposit loan facility and the six other loan establishments in the area. He explained there was a slight difference, as Title 17 did allow a waiver to be considered, provided there was an adequate barrier in place, which could be an approved drainage facility, Clark County 215, US 215, other topical features that were not manmade that prevent vehicular and pedestrian access or a constructed roadway of 120 feet or more. Three of the six other similar uses are located on the south side of Las Vegas Boulevard, which was a constructed roadway of 120 feet or more. The other three uses were located on the north side of Las Vegas Boulevard within proximity to the proposed use. The survey submitted by the applicant, indicated there were six business within 2500 feet, which ranged anywhere from 360 feet to approximately 2,453 feet. According to Business License, four of the facilities are licensed as check cashing and two are licensed as money transfer establishments. This was being pointed out, because even through the applicant requested a waiver from the requirements, when looking at the definition in Title 17 for deferred deposit loans, it states "this term does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks, issue money orders and money transfers for a minimum flat fee as a service that is incidental to its main purpose or business". Based upon that definition, it appears the applicant probably does not need to request a waiver from those as they are not like uses and would fall under the check cashing or money transfer requirements listed in the definition. The applicant also requested a waiver of the 500 foot distance requirement from developed residential and were approximately 214 feet from residential. There were four cards received, two in support and two in opposition to the proposed use. A letter was also received in opposition of the use. Staff, due to the NRS provisions, has no objection and was recommending approval of UN-23-11 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Landscaping shall be provided as shown on the site plan. Furthermore, the improvements within the landscaped areas shall be provided as follows:
 - a. A minimum 60% of ground coverage of shrubs and ground cover shall be provided within two years that a certificate of occupancy is issued.

- b. A three (3) foot high decorative wall shall be provided in front of the parking spaces fronting Civic Center Drive. Landscaping shall be provided between the wall and the property line.
 - c. A minimum of seven (7) Phoenix Date Palms, with a 20-foot height to the base of the fronds shall be provided as follows:
 - (1) Four (4) Phoenix Date Palms, two (2) on each side of the pedestrian connection (labeled "new sidewalk") on the site plan between the public sidewalk at the intersection of Civic Center Drive and Carey Avenue and the building.
 - (2) Three (3) Phoenix Date Palms, shall be provided east of the building, between the building and the property line near the driveway entrance on the adjacent parcel.
 - d. All other plant materials (including trees, ground cover, and decorative rock) shall be consistent with the landscaping plan of the adjacent Farmer Boys development.
3. Building remodeling shall be generally consistent with the building elevations submitted as part of this use permit. Materials and colors must also comply with those standards outlined in the Commercial Development Standards and Design Guidelines.
 4. The trash enclosure is required to match the building in materials, colors, and design, and include a roof.
 5. Access to the roof shall be from within the building. Exterior roof ladders are not allowed.
 6. The existing driveway on Civic Center Drive shall be removed and reconstructed per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 226.
 7. The remaining driveways on Carey Avenue and Civic Center Drive shall be removed and replaced with curb, gutter and sidewalk per the applicable standard drawings.
 8. Approval of a traffic study is required prior to submittal of the civil improvement plans.

Lucy Stewart, 101 Convention Center Drive #1002, Las Vegas, NV 89109 appeared on behalf of the applicant explaining the services they would be offering were different from those offered by other like uses in the area.

Chairman Dilip Trivedi opened the Public Hearing. The following comments were carried forward from Item No. 16:

- **Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113** appeared on behalf of owners and developers of Cheyenne Point Commercial Shopping Center, which was the center off of Cheyenne and Civic Center Drive and Las Flores Shopping Center. The opposition to the applications, was that it was their understanding that in the Redevelopment area, the City's policy or position was not to have check cashing and auto title loan facilities within the Redevelopment area and due to that, no applications were brought before the Commission or Redevelopment Agency when they had the opportunity. If the policy and position had changed within the City, his clients would be looking to apply for the same type of uses in the Redevelopment area.

Chairman Trivedi closed the Public Hearing.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

18. UN-29-11 (42907) RAPID CASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAPID CASH/SPEEDY CASH ON BEHALF OF GNP LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO ALLOW THE PURCHASE OF GOLD AND OTHER PRECIOUS METALS (SECONDHAND DEALER). THE PROPERTY IS LOCATED AT 2332 CIVIC CENTER DRIVE . THE ASSESSOR'S PARCEL NUMBER IS 139-23-503-001.

The application was presented by Marc Jordan, Planning Manager who explained the request was for a use permit to allow the purchase of gold or other precious metals as part of the proposed business previously considered. Staff had no objection and had four cards submitted, two in support and two opposed , and also received a letter in opposition to the application. Staff was recommending approval of UN-29-11 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the owners and/or operators maintain compliance with local police requirements for the purchasing of jewelry, coins, and "scrap" precious metals from customers. The resale and/or pawning of jewelry, coins, or "scrap" metals to other customers shall be prohibited.
3. The redevelopment of this site shall be in compliance with all conditions mentioned herein and those approved with UN-22-11 and UN-23-11. If UN-22-11 and UN-23-11 are not approved, this application shall be considered null and void.
4. The purchasing of gold and/or other precious metals shall not occur until the redevelopment of the site is completed and a Certificate of Occupancy is issued for the two uses described in UN-22-11 and UN-23-11.
5. The existing driveway on Civic Center Drive shall be removed and reconstructed per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 226.
6. The remaining driveways on Carey Avenue and Civic Center Drive shall be removed and replaced with curb, gutter and sidewalk per the applicable standard drawings.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.

Lucy Stewart, 101 Convention Center Drive #1002, Las Vegas, NV 89109 appeared on behalf of the applicant explaining the use was for the purchase of gold such as broken jewelry which was not for resale.

Chairman Trivedi opened the Public Hearing. The following comments were carried forward from Item No. 16.

- **Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113** appeared on behalf of owners and developers of Cheyenne Point Commercial Shopping Center, which was the center off of Cheyenne and Civic Center Drive and Las Flores Shopping Center. The opposition to the applications, was that it was their understanding that in the Redevelopment area, the City's policy or position was not to have check cashing and auto title loan facilities within the Redevelopment area and due to that, no applications were brought before the Commission or Redevelopment Agency when they had the opportunity. If the policy and position had changed within the City, his clients would be looking to apply for the same type of uses in the Redevelopment area.

Chairman Trivedi closed the Public Hearing.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

Item No. 20 was heard next.

OLD BUSINESS

19. **SPR-02-11 (42180) APEX DAVIS. AN APPLICATION SUBMITTED BY APEX PROPERTIES LLC & CARMINE LIMITED PARTNERSHIP ON BEHALF OF CARMINE LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN INDUSTRIAL-APEX (I-A) OVERLAY DISTRICT TO ALLOW A JUNKYARD/SALVAGE YARD FACILITY AND WAIVERS FROM THE INDUSTRIAL-APEX (I-A) OVERLAY DISTRICT DESIGN STANDARDS. THE PROPERTY IS LOCATED APPROXIMATELY 10,300 FEET WEST OF US-93 AND SOUTH OF THE POWER PLANT . THE ASSESSOR'S PARCEL NUMBERS ARE 103-08-510-004 THROUGH 103-08-510-007, 103-08-510-009 AND 103-08-510-011 THROUGH 103-08-510-013. (CONTINUED FEBRUARY 9 AND MARCH 9, 2011)**

It was requested by the applicant to continue SPR-02-11 to May 11, 2011.

ACTION: CONTINUED TO MAY 11, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Item No. 21 was heard next.

20. UN-14-11 (42489) C-STORE RENOVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGYRIS ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT 3820 CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-044. (CONTINUED MARCH 9, 2011)

Item Nos. 20 and 22 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained Item No. 22 was the use permit for an auto service facility for a smog check station located on the proposed site. The proposed location has an existing convenience food store with gas pumps and an attached automatic drive-thru carwash which were approved with a use permit in 1993. Since that time, the building had been burned and the applicant was proposing to bring it back and expand the building; therefore, needed to come into compliance with the current Design Standards. Previously, the applicant was requesting a convenience food restaurant, which has been withdrawn. The site plan was in general compliance with the Design Standards. The applicant was requesting three waivers, two of them with their Letter of Intent and one was inferred and discussed with Staff, which involved the foundation landscaping at the entrance to the building. With the revised site plan, they were proposing some landscaping on the foundation landscaping, but it was not quite what would be generally required with new construction; however, since the majority of the building was existing, Staff examined the proposal and was supportive of the waiver. The other two waivers on the use permit involve the perimeter landscaping, which was slightly greater than 7 ½ feet along Mitchell Street and about 8 ½ feet along Craig Road, which was what was originally approved and with changes in the right-of-way widths, this is all the landscaping that was currently in place and Staff was in support of the waiver request, since to come into compliance, would drastically change the design of the site and could make the proposed use permits difficult. The last waiver was to waive the requirements for landscaping in the parking lot to remove the five landscape islands in the parking rows and since the parking lot was not fundamentally changing from what was existing, Staff was in support of the waiver. The building was in general compliance with the Design Standards and the applicant agreed to amend and modify their existing gas canopy to come into compliance with the Commercial Design Standards and Staff was recommending approval of UN-14-11 and UN-16-11 with conditions listed in the revised memorandums dated April 13, 2011. Conditions listed for UN-14-11 are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances, including but not limited to all attached departmental memoranda.

2. The special use permit is site-specific and non-transferable.
3. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, with the exception of the following:
 - a. foundation landscape areas shall be provided as depicted on the revised site plan, date-stamped March 30, 2011;
 - b. parking lot landscape areas shall be provided as depicted on the revised site plan, date-stamped March 30, 2011;
 - c. perimeter landscape areas, including a decorative wall, shall be provided as depicted on the revised site plan, date-stamped March 30, 2011. The wall shall measure three feet (3.00') above the adjacent on-site paved surface;
 - d. the building and gas canopy may be constructed in the locations as depicted on the revised site plan, date-stamped March 30, 2011
4. The gas canopy shall be refurbished to include faux stone columns, sand-textured paint in-lieu of stucco, and a cornice to match the principal structure.
5. All approved landscape areas shall be provided with landscape materials (e.g., trees, shrubs, decomposed granite, automatic irrigation system, etc.) in accordance with current Zoning Ordinance requirements. Every effort must be made to preserve existing trees on the property. The removal of existing trees shall only be allowed if, prior to the issuance of any construction permits, the applicant presents evidence to the Planning and Zoning Division that removal of such trees is warranted.
6. The awnings shall be Sunbrella material or a non-reflective metal painted to accent the approved colors, subject to review and approval by staff during the building permit process.
7. A color board shall be submitted with the building permit application.
8. The development of this site shall be in compliance with the revised site plan date-stamped March 30, 2011, unless otherwise specified herein.
9. The development of this site shall be in compliance with the revised floor plan date-stamped March 30, 2011, unless otherwise specified herein. The revised floor plan identifies a 3,200-square-foot convenience food store, 32-square-foot smog-check facility (accessed from outside), and a 1,722-square-foot (gross square feet) restaurant. The restaurant may be a convenience food restaurant (without a drive-through) and may have up to 750 square feet for public floor space. The restaurant shall not be open for public use until such time that a certificate of occupancy has been issued for the principal use, which is the convenience store.

10. The building elevations for the convenience food store shall be as submitted on the revised elevations, date-stamped March 30, 2011, unless otherwise specified herein.
11. All down-spouts shall be within the building or otherwise fully concealed by architectural embellishments.
12. The pedestrian accessway from the sidewalk on Mitchell Street to the primary customer entrance shall be constructed with stamped and colored concrete, and / or decorative pavers to distinguish the walking surface/route from the drive aisles.
13. All signage (i.e., freestanding, wall, etc.) for this site shall be in compliance with the current requirements set forth in Title 17, with the exception that the canopy signage shall be permitted to have a maximum 75% coverage on each elevation to include any colored stripes and logo. No signage identified on the site plan, primary structure, and/or canopy is otherwise approved with this application.
14. The gas canopy lighting shall be directed downward through the use of shielding or recessed lighting.
15. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
16. Commercial driveways are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A.
17. The developer shall provide a raised median in Mitchell Street extending thirty (30) feet beyond the southerly driveway to prohibit a left turn out at that location. The existing left turn out of the development will remain at the northerly driveway. The details of the raised median design are subject to review and approval of the Department of Public Works and shall comply with the standard drawings.
18. Approval of a traffic study is required prior to submittal of the civil improvement plans. The traffic study must include an exhibit that demonstrates the maneuvering of a WB-50 vehicle into the development and through the site.
19. If not already existing, the civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Craig Road and Mitchell Street.
20. All off-site improvements must be completed prior to final inspection of the building.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 appeared on behalf of the applicant explaining the drive-thru window was removed on the west side of the building and there was a sandwich shop proposed within the convenience market which would not require a drive-thru. There was also a smog check facility on the east side of the building. Eight foot seven inches of landscaping was being proposed along the frontage on Craig Road and seven foot seven inches of landscaping was being proposed along Mitchell Road and in order to help mitigate the impact of the reduced landscaped area, they were proposing a three foot high decorative block wall at the rear of the landscaping along both streets, which would help prevent headlights from shining into the streets and there would be a landscape berm from the sidewalk up to the height of the block wall. Also, around the entrance, enhanced landscaping was being provided, putting in a bike rack and a patio area in front of the eastern portion of the building. The other waiver being requested was the end landscaping on each row of parking, The existing trash area was on the east side of the property at the rear of the building and they would provide landscaping on the west side of the rear of the property and in the front area, due to the existing constraints of the site, they were asking for a waiver. Mr. Vornsand indicated he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

- **Esau Barajas, 3826 East Craig Road, North Las Vegas, NV 89030** explained he was the owner of Viva Zapata's Mexican Restaurant and explained he was not opposed to the application but was concerned with the parking as they had been at their current location for 10 years and there had been problems with their customers' and employees' cars being towed. He didn't feel there was enough space to allow parking for both businesses.

Chairman Trivedi closed the Public Hearing.

Mr. Vornsand explained they were required to have 34 parking spaces and they had 35, so there was sufficient parking on the site and stated there was a reciprocal cross access parking agreement on the site, the property to the north and the property to the east where Viva Zapata's was located and he would make sure the applicant understood that. There was a condition of approval that two of the parking spaces on the east side of the building were to be reserved for the smog check facility.

Mr. Barajas stated he had a copy of the parking agreement.

Chairman Trivedi asked if a condition could be added to require signage showing the parking spaces were shared.

Deputy City Attorney Sandra Morgan responded the cross access agreement was between

the three landowners and she did not think that could be imposed. She had not seen a copy of the agreement.

Mr. Vornsand explained with the redesign, they did not have a carwash, which would help and the configuration of the parking was different, so there would not be parking directly in front of the store. He suggested he would talk to the property owner and straighten out the problems with the parking.

Vice-Chairman Steve Brown clarified the cross access parking agreement was an agreement between property owners and did not involve the City. It was just a recorded document.

Deputy City Attorney Morgan responded that was her understanding. She did not think the City was a party to it and the City did not request it. It was an agreement between three separate land owners.

Vice-Chairman Brown asked if the cross access parking agreement helped to mitigate problems.

Mr. Eastman responded that was correct. He explained churches sometimes were required to get cross access parking agreements with the office buildings when they were located in a commercial or industrial center. In the current case, the agreement was probably developed at the time the entire parcel was developed a number of years ago between the three uses.

Chairman Trivedi asked how many parking spaces were required for the restaurant.

Mr. Eastman responded by their rough calculation, it was probably approximately 40 spaces.

Commissioner Laura Perkins asked that there be more dense landscaping required since the requirements were being reduced.

Mr. Jordan responded the applicant was providing a wall that was not required, to help screen the headlights and cars from view.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None
ABSTAIN: None

Item No. 22 was heard next.

21. **UN-15-11 (42490) C-STORE RENOVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGYRIS ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 3820 CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-044. (CONTINUED MARCH 9, 2011)**

It was requested by the applicant to withdraw UN-15-11.

ACTION: WITHDRAWN

Item No. 1 was heard next.

22. UN-16-11 (42502) C-STORE RENOVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGYRIS ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG STATION). THE PROPERTY IS LOCATED AT 3820 CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-044. (CONTINUED MARCH 9, 2011)

Item Nos. 20 and 22 were presented together.

The application was presented by Robert Eastman, Principal Planner who indicated he had no more information to add from what was presented in Item No. 20, UN-14-11. Staff was recommending approval of UN-16-11 with the following conditions listed in Memorandum dated April 13, 2011:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances, including but not limited to all attached departmental memoranda.
2. The special use permit is site-specific and non-transferable.
3. Construction of the smog-check facility shall not occur prior to construction of the convenience food store. Use of the smog-check facility shall not be permitted prior to the issuance of a Certificate of Occupancy for the convenience food store.
4. The development of this site shall be in compliance with all conditions mentioned herein and those approved with UN-14-11. If UN-14-11 is not approved, this application shall be considered null and void.
5. The smog-check facility shall be designed and constructed as depicted on the revised plans, date-stamped March 30, 2011, including the shaded bench.
6. The two nearest parking stalls located adjacent to the east side of the building shall be posted with signs that reserve those stalls specifically for the smog-check facility. The signs should also include the hours of operation on the reserved-parking signs, which would open those parking spaces for other uses when the smog-check facility is not in operation.
7. Commercial driveways are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers 222A.

8. The developer shall provide a raised median in Mitchell Street extending thirty (30) feet beyond the southerly driveway to prohibit a left turn out at that location. The existing left turn out of the development will remain at the northerly driveway. The details of the raised median design are subject to review and approval of the Department of Public Works and shall comply with the standard drawings.
9. Approval of a traffic study is required prior to submittal of the civil improvement plans. The traffic study must include an exhibit that demonstrates the maneuvering of a WB-50 vehicle into the development and through the site.
10. If not already existing, the civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Craig Road and Mitchell Street.
11. All off-site improvements must be completed prior to final inspection of the building.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 appeared on behalf of the applicant indicating he had no more information to add from what was presented in Item No. 20, UN-14-11.

The following was carried forward from Item No. 20, UN-14-11:

The application was presented by Robert Eastman, Principal Planner who explained Item No. 22 was the use permit for an auto service facility for a smog check station located on the proposed site. The proposed location has an existing convenience food store with gas pumps and an attached automatic drive-thru carwash which were approved with a use permit in 1993. Since that time, the building had been burned and the applicant was proposing to bring it back and expand the building; therefore, needed to come into compliance with the current Design Standards. Previously, the applicant was requesting a convenience food restaurant, which has been withdrawn. The site plan was in general compliance with the Design Standards. The applicant was requesting three waivers, two of them with their Letter of Intent and one was inferred and discussed with Staff, which involved the foundation landscaping at the entrance to the building. With the revised site plan, they were proposing some landscaping on the foundation landscaping, but it was not quite what would be generally required with new construction; however, since the majority of the building was existing, Staff examined the proposal and was supportive of the waiver. The other two waivers on the use permit involve the perimeter landscaping, which was slightly greater than 7 ½ feet along Mitchell Street and about 8 ½ feet along Craig Road, which was what was originally approved and with changes in the right-of-way widths, this is all the landscaping that was currently in place and Staff was in support of the waiver request, since to come into compliance, would drastically change the design of the site and could make the proposed use permits difficult. The last waiver was to waive the

requirements for landscaping in the parking lot to remove the five landscape islands in the parking rows and since the parking lot was not fundamentally changing from what was existing, Staff was in support of the waiver. The building was in general compliance with the Design Standards and the applicant agreed to amend and modify their existing gas canopy to come into compliance with the Commercial Design Standards and Staff was recommending approval of UN-14-11 and UN-16-11 with conditions listed in the revised memorandums dated April 13, 2011.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 *appeared on behalf of the applicant explaining the drive-thru window was removed on the west side of the building and there was a sandwich shop proposed within the convenience market which would not require a drive-thru. There was also a smog check facility on the east side of the building. Eight foot seven inches of landscaping was being proposed along the frontage on Craig Road and seven foot seven inches of landscaping was being proposed along Mitchell Road and in order to help mitigate the impact of the reduced landscaped area, they were proposing a three foot high decorative block wall at the rear of the landscaping along both streets, which would help prevent headlights from shining into the streets and there would be a landscape berm from the sidewalk up to the height of the block wall. Also, around the entrance, enhanced landscaping was being provided, putting in a bike rack and a patio area in front of the eastern portion of the building. The other waiver being requested was the end landscaping on each row of parking, The existing trash area was on the east side of the property at the rear of the building and they would provide landscaping on the west side of the rear of the property and in the front area, due to the existing constraints of the site, they were asking for a waiver. Mr. Vornsand indicated he concurred with Staff recommendation.*

Chairman Dilip Trivedi opened the Public Hearing. The following participant came forward:

- **Esau Barajas, 3826 East Craig Road, North Las Vegas, NV 89030** *explained he was the owner of Viva Zapata's Mexican Restaurant and explained he was not opposed to the application but was concerned with the parking as they had been at their current location for 10 years and there had been problems with their customers' and employees' cars being towed. He didn't feel there was enough space to allow parking for both businesses.*

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Commissioner Laura Perkins asked that there be more dense landscaping required since the requirements were being reduced.

Mr. Jordan responded the applicant was providing a wall that was not required, to help screen the headlights and cars from view.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning Manager Marc Jordan reminded the Commission there would be a special Planning Commission Meeting April 27, 2011 at 6:00 p.m. in Council Chambers to present Title 17 for adoption, which was continued from the March 30, 2011 Special Planning Commission meeting.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 8:51 p.m.

APPROVED: June 8, 2011

/s/ Dilip Trivedi
Dilip Trivedi, Chairman

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