

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

February 25, 2009

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

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

STAFF PRESENT: Frank Fiori, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Sanchez, Deputy City Attorney II
Sandra Morgan, Deputy City Attorney
Lorena Candelario, PW Real Property Mgmt.
Eric Hawkins, Public Works
Janice Carr, Fire Department
Jose Rodriguez, Police Department
Gina Luongo, Police Department
Ernie Buo, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Angelo Carvalho

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Chairman Angelo Carvalho

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF JANUARY 28, 2009.**

ACTION: APPROVED

MOTION: Commissioner Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 9 was heard next.

NEW BUSINESS

1. **UN-67-08 (37952) PROJECT HOTEL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LASER DEVELOPMENT LLC ON BEHALF OF CASINO HOLDING GROUP LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR A HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND LINN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-501-005, 123-28-501-006, 123-28-501-007, AND 123-28-501-008. (CONTINUED FEBRUARY 11, 2009)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting one waiver to the Commercial Design Guidelines. A use permit was previously approved allowing a hotel with 544 rooms; but, because Castleberry Lane was being vacated to the west and the applicant was gaining more property, the site was redesigned and now showed 11 detached structures, 542 guest rooms, two swimming pools, a pool house, a café and a gym for the guests. As part of the request, the applicant was asking for a waiver to reduce the perimeter landscaping along Centennial Parkway from 20 feet to approximately 10 feet for an area of approximately 240 feet of the property. In reviewing the application, Staff noted some minor corrections that would need to be made to the site plan, which could be reviewed when the building permits were applied for. On the east and north property lines the islands would need to be adjusted to every 15 spaces and there were some opposing parking within the parking lot near the entrance to the hotel, which would require landscape islands every six spaces. The Fire Department also indicated some of the turning radii needed to be adjusted to meet requirements and Public Works indicated there were some parking spaces near the entrance that might cause some traffic conflicts. Mr. Jordan explained the requested waiver was in the area of the right turn lane coming into the parking lot, so if the applicant was required to adjust the site plan to give the full 20 feet of landscaping, it would be a major change that would impact the number of parking spaces on the site and the landscape waiver was 34 percent of the street frontage; therefore, Staff had no objection to the waiver and was recommending that UN-67-08 be approved with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-67-08 is site specific and non transferrable.
3. That UN-67-08 shall be null and void if VAC-01-09 is not approved by the City Council.

4. That the proposed development shall comply with all Commercial Design Standards and Guidelines contained within Title 17.24.200 except,
 - a. Perimeter landscaping along Centennial Parkway adjacent to the right-turn lane may be reduced to 15 feet where 25 feet (including sidewalks) is required and the setback for the parking areas abutting the right-turn lane may be reduced to 15 feet where a 20 foot setback is required, and
 - b. Five (5) foot landscape diamonds with tree wells for each six (6) opposing parking space stalls may be used throughout the site's parking areas in lieu of six (6) foot landscaped islands for every 15 parking spaces where opposing parking is planned. This exception does not pertain to the required six (6) foot landscaped islands at the ends of all rows of parking.
5. Rental of any rooms shall not exceed thirty continuous days.
6. Recordation of VAC-01-09 is required or this application shall be deemed null and void.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. The two parking spaces provided at the entrance to the driveway on Centennial Parkway shall be eliminated because it could cause a conflicting situation with the traffic on the driveway.
9. Approval of a drainage study is required prior to submittal of the civil improvement plans.
10. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
11. North Belt Road shall be changed to Centennial Parkway.
12. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
13. Centennial Parkway (North Belt Road on the site plan) is an offset alignment that will require an additional ten-foot (10.0') dedication along the northerly property line.
14. The property owner is required to acquire roadway easements or right-of-way dedications to provide 32' of paved access from this site to two existing public paved roads.

15. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B or otherwise approved by the Director of Public Works:
 - a. Centennial Parkway
16. The property owner shall construct full street improvements for Centennial Parkway along the frontage of the site.
17. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
18. The developer is required to construct a raised median within Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb.
19. Median landscape and irrigation plans must be submitted to the Parks Department for the landscaping required within the Centennial Parkway median. The developer's landscape architect should contact John Jones, Landscape Architect with the Parks and recreation Department at 633-1611, for landscaping requirements prior to designing the landscape plan(s) for the median. Final approval of the civil improvement plans will not be acquired prior to Parks approval of the landscaping plans.
20. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
21. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
22. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
23. The property owner is required to grant a roadway easement for commercial driveway(s).
24. The property owner is required to sign a restrictive covenant for utilities.

25. 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.
26. A revocable encroachment permit for landscaping within the public right of way is required.
27. 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.
28. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
29. 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.
30. All off-site improvements must be completed prior to final inspection of the first building.
31. Fire access lanes shall be designed per the Fire Code.
32. Fire access lanes shall be marked to prohibit parking per the Fire Code.
33. Turning radii along the fire access lanes shall be designed in accordance with the Fire Code.
34. The sanitary sewer for the subject project shall be routed south on Sloan Lane and connect into the existing Clark County sanitary sewer, unless otherwise directed by the Director of Utilities.
35. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
36. The trash enclosure gates shall be hung approximately 8" from the ground to allow for visibility into the enclosure area.
37. There shall be a directory sign posted at the entrance, and way finding signs throughout the property.

38. Due to the fact that there are multiple buildings spread throughout the property, security lighting and cameras shall be required.
39. All benches used in the open spaces and/or pool areas shall be equipped with a divided seat.
40. The buildings facing Centennial Parkway shall not exceed three (3) stories or forty-six (46) feet in building height.
41. There shall be 36" box trees planted at least twenty (20) feet on center along Centennial Parkway to provide a screen to neighboring properties.
42. The applicant shall sign a written notice declaring knowledge of the existence of the Nevada National Guard and its training activities, wherein the development may be subject to, but not limited to, noise, light, dust, laser emissions and odors created by military training and related activities. The notice shall be recorded against the property on a form approved by the Director of Planning and Zoning.

Michael Livingston, Architect, 1350 Town Center Drive #3032, Las Vegas, NV 89144 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

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

MOTION: Vice-Chairman Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

2. **VN-03-09 (38083) ELDORADO RCL NO. 23, TM NO. 23 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A VARIANCE IN AN O-L/DA, OPEN LAND/DEVELOPMENT AGREEMENT DISTRICT TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 15-FEET IS REQUIRED WITHIN A PROPOSED 156-LOT SUBDIVISION. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 575 FEET EAST OF ROARING SURF DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-33-501-014 AND 124-33-501-015, 124-33-513-001 THROUGH 124-33-513-053, 124-33-513-056 THROUGH 124-33-513-083, 124-33-514-001 AND 124-33-514-002.**

The application was presented by Marc Jordan, Planning Manager who explained the variance would allow a rear yard set-back of either 10, 11, 12, 13, or 14 feet on a portion of the lots, but it was not specified which lots the waiver would be applied to. He explained if approved, it would be a blanket variance for a minimum rear yard set-back of 10 feet for any of the lots, which was previously approved on the original tentative map. Staff was not supporting the request as the lots had not been developed and not all lots had been recorded; therefore it was a self-imposed hardship and the applicant could comply with set-backs by redesigning the subdivision to incorporate the depths of the lots required for the products they wished to place on the lots. Staff was recommending that VN-03-09 be denied; however, should the Commission determine approval was warranted, the following conditions are recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. Application VN-06-08 shall be null and void.
4. A minimum 10 foot rear yard building setback shall be provided within the residential lots.
5. FHA Type A drainage must be maintained for each lot.

Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating a residential compact lot development was previously approved by the Commission approximately one year ago and the applicant was requested to relocate the entrance to the development due to a safety concern. The entrance was relocated to the

east; so, the site was redesigned and approximately one acre of land was added to the east portion of the site to accommodate the new entrance. She explained 11 lots had been added to the site and out of the 11 lots, seven of them required a variance. They were requesting a variance on a previously approved development, but were asking for an additional seven lots to have the flexibility to put other models on the site.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Dilip Trivedi asked Staff if there was a problem with the zoning ordinance that would force the applicant to request that 50 percent of the lots have smaller set-backs.

Mr. Jordan responded the problem was with the design of the subdivision and explained under the current ordinance, Residential Compact Lot (RCL) developments were not allowed and as part of the Eldorado Development Agreement, the site was subject to Title 19 requirements, a previous zoning ordinance from 1988.

Commissioner Trivedi questioned the applicant as to why it was necessary to request a variance for 50 percent of the lots to have smaller set-backs.

Ms. Allen responded the reason for the variance request was to have a variety of models within the development and was a different type of product than what was seen in the City of North Las Vegas. The parcel was hard zoned under the Development Agreement for Residential Compact Lot or Multi-Family, so the idea and intent of the parcel was to act as a buffer between the single family homes to the west and the multi-family homes approved to the east. She explained the only difference from the previous approval, was the location of the entrance, to make it more safe.

Commissioner Trivedi asked when the acre of property was added to the parcel, if was possible to adjust the lot line so it would not be necessary to request a variance on additional lots.

Ms. Allen responded without the variance that was previously approved, the product planned would not fit on the lots.

Commissioner Jay Aston explained the previous approval was due to the uniqueness of the zoning and there was a possibility the applicant could go in a completely different direction with the parcel and the intent of the proposed development was to buffer the residential; therefore, he was in support of the application.

Vice-Chairman Harry Shull agreed with Commissioner Aston's comments and explained the previous approval was a compromise, as the residents were upset about the potential for apartments and this was a way to give a buffer to the single family units to the west and

it was not financially feasible to redesign a new product that would fit on the lots. He was in support of the application.

Commissioner Jo Cato was also in support of the application, as the previous approval was a compromise to have the proposed project versus a high density R-3 project and understood the application was being resubmitted to relocate the entrance to the community.

Commissioner Dean Leavitt agreed the proposed project was a compromise with a proposed multi-family development northeast of the project and the relocation of the entrance would provide a more safe entry to the project.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Aston

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

NAYS: Commissioner Trivedi

ABSTAIN: None

3. **T-1333 (38089) ELDORADO RCL NO. 23, TM NO. 23. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN O-L//DA, OPEN LAND/DEVELOPMENT AGREEMENT DISTRICT CONSISTING OF 156 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 575 FEET EAST OF ROARING SURF DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-33-501-014 AND 124-33-501-015, 124-33-513-001 THROUGH 124-33-513-053, 124-33-513-056 THROUGH 124-33-513-083, 124-33-514-001 AND 124-33-514-002.**

The application was presented by Marc Jordan, Planning Manager who explained the proposed development complied with the minimum lot size requirements of 3,000 feet with the minimum lots having at least 3500 square feet or more; therefore, Staff was recommending approval of T-1333 with the deletion of Condition No. 4. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinance.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. Application T-1315 shall be null and void.
4. Side lot easements must comply with Title 17 pedestrian access and landscaping requirements.
5. The area north of Hammer Lane and outside of the proposed driveway entrance within APN 124-33-696-004 must be landscaped and maintained by the developer.
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 Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

8. All offsite improvements must be completed prior to final inspection of the first occupied building.
9. Show the driveway onto lot 107.
10. No landscaping above two feet shall be located in the sight visibility triangle.
11. All common elements must be labeled as such to be maintained by HOA.
12. All street names must be approved by the City of Las Vegas Fire Alarm Office.
13. The entrance street named "Duck Hill Street" must be a public street.
14. A Final Map Merger and Resubdivision or appropriate mapping is required.
15. Letters of Relinquishment must be obtained from the Public Utility Agencies for the public utility easements for those areas over the private streets that have now been revised.
16. A vacation of the previously recorded public utility easement over former street alignments must be provided. This vacation must record prior to the recordation of the new final map.
17. A public utility/drainage easement is required for the sewer line outside of the property to the east.
18. The entrance (Duck Hill Street) is to be a sixty(60) foot wide entrance way rather than forty eight (48) as shown on the tentative map.
19. Show the "T" intersection at the south end of Duck Hill Street to indicate how the traffic from the adjoining property to the east will access Ann Road and show the median opening on Ann Road.
20. A drainage study update is required.
21. Fire access lanes shall be designed in accordance with Fire Code requirements.
22. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
23. Gates restricting traffic across required access lanes shall be in accordance with Fire Code requirements.

Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 4

MOTION: Vice-Chairman Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

4. **VN-04-09 (38090) SUN CITY ALIANTE/HAWKINS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM AND CATHY HAWKINS, PROPERTY OWNERS, FOR A VARIANCE IN AN MPC R-1, MASTER PLANNED COMMUNITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A THREE (3) FOOT SIX (6) INCH SIDE YARD SETBACK WHERE FIVE (5) FEET IS THE MINIMUM SIDE YARD SETBACK REQUIRED. THE PROPERTY IS LOCATED AT 7540 CHAFFINCH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-17-716-036.**

The application was presented by Marc Jordan, Planning Manager who explained when the house was developed, it was shown correctly on the plot plans but the house was actually skewed sideways on the lot and developed that way. Approximately one year later, the applicant wanted to install a block wall and it was noticed that the house did not meet the set-back requirements. Because it was not self-imposed and was an existing condition, Staff was recommending approval of VN-04-09 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. A minimum three (3) foot six (6) inch side yard setback shall be provided as shown on the submitted plans.

Pamela Pate of G.C. Wallace, 6655 South Cimmaron, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

5. **VN-05-09 (38091) SUN CITY ALIANTE/LUTHER JOHNSON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LUTHER JOHNSON, PROPERTY OWNER, FOR A VARIANCE IN AN MPC R-1, MASTER PLANNED COMMUNITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A THREE (3) FOOT SIX (6) INCH SIDE YARD SETBACK WHERE FIVE (5) FEET IS THE MINIMUM SIDE YARD SETBACK REQUIRED. THE PROPERTY IS LOCATED AT 7536 CHAFFINCH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-17-716-037.**

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending approval of VN-05-09 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. A minimum three (3) foot six (6) inch side yard setback shall be provided as shown on the submitted plans.

Pamela Pate of G.C. Wallace, 6655 South Cimmaron, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

6. UN-113-06 (37981) REBEL AT CRAIG AND COMMERCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REBEL OIL COMPANY, INC. ON BEHALF OF MILV II, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-601-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant had made some changes to the site plan that would be consistent with the previously approved conditions of approval; however, they were asking for one waiver to the Commercial Design Guidelines and at the corner of Craig Road and Commerce Street, where the radius was located, they were asking for a waiver to reduce the perimeter landscaping from 20 feet to 10 feet for the parking lot, as a portion of the property was dedicated for a future right turn lane or flared intersection and as a result they do not meet the set-backs at that location. Staff was recommending approval of the request, with the condition that an encroachment permit be obtained from the Department of Public Works to landscape the area, so at the current time there would be 20 feet of landscaping at that corner until the area was needed in the future and at that time the landscaping would be reduced to 10 feet. The plan shows 22 parking spaces where 23 was required because there was a separate use permit for a car wash that was part of the development. Staff was recommending approval of UN-113-06 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Commercial Development Standards and Design Guidelines including but not limited to:
 - a. Gasoline canopies shall take on the character of the main building, using the same colors, materials and style
 - b. Parking area along Commerce Street shall be screened by decorative walls or landscaped berms with a minimum height of three (3) feet above the finished grade.
 - c. Relocate air/water away from right-of-way.
 - d. Trash enclosure shall be relocated onto the developing site.
 - e. A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal customer entrance constructed of pavers or stamped concrete subject to staff review and approval.
 - f. A meandering sidewalk shall be provided on Commerce Street.

- g. A minimum 20 feet of landscaping shall be provided adjacent to Commerce Street and Craig Road, with the exception that ten feet of landscaping shall be provided at the radius of Commerce Street and Craig Road from the property line.
3. The applicant shall obtain an encroachment permit from the Department of Public Works. The encroachment permit shall be for the radius area of the intersection of Craig Road and Commerce Street for the purpose of providing landscaping.
4. This application shall comply with the conditions of approval for the associated tentative map (T-1332).
5. The appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.

Tom McBrayer, Breslin Builders, 5525 Polaris Avenue, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

7. T-1332 (38077) CRAIG & COMMERCE. AN APPLICATION SUBMITTED BY MILV II, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-601-001.

The application was presented by Marc Jordan, Planning Manager who explained a previously approved tentative map had expired and was being replaced by the proposed tentative map. It was in compliance with Title 17 requirements; therefore, Staff was recommending approval of T-1332 with Condition No. 12 being amended to read: Construction of half street improvements on Commerce Street are required from Craig Road to the Western Tributary Channel; and, shall be completed within 180 days of the issuance of the first building permit, or as otherwise determined by the Director of Public Works. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Approval of a drainage study is required prior to submittal of the civil improvement plans.
3. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
4. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or her designee.
5. Craig Road is a no cut street - no utility connections permitted.
6. Right-of-way dedication and construction of a CAT bus turn-out is required on Commerce Street north of Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
7. A minimum of 5' landscape area within common lot, if applicable, must be provided behind any proposed bus turn-out.
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 for landscaping within the public right of way is required.
10. The property owner is required to sign a restrictive covenant for utilities.
11. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
12. Construction of half street improvements on Commerce Street are required from Craig Road to the Western Tributary Channel; and, shall be completed within 180 days of the issuance of the first building permit.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All 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.
15. The size, number, and locations of driveways on Commerce Street are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in the North Las Vegas Municipal Code Section 17.24.130 and the Clark County Uniform Standard Drawing Numbers 222A and 225.
16. The property owner is required to grant roadway easements for commercial driveway(s).
17. 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.
18. Approval of a traffic study is required prior to submittal of the civil improvement plans.
19. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Craig Road and Commerce Street.
20. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Commerce Street

Bob Haransma, WRG Design Inc., 3011 Horizon Ridge Parkway, Henderson, NV 89052
appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 12 AMENDED TO READ:

12. CONSTRUCTION OF HALF STREET IMPROVEMENTS ON
COMMERCE STREET ARE REQUIRED FROM CRAIG ROAD TO
THE WESTERN TRIBUTARY CHANNEL; AND, SHALL BE
COMPLETED WITHIN 180 DAYS OF THE ISSUANCE OF THE
FIRST BUILDING PERMIT, OR AS OTHERWISE DETERMINED BY
THE DIRECTOR OF PUBLIC WORKS.

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

8. UN-15-09 (38084) TERRIBLE'S SMOG CHECK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRIBLE HERBST, INC. ON BEHALF OF ASIF RIFFAT INVESTMENT, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG CHECK). THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-311-012.

The application was presented by Robert Eastman Principal Planner who explained a convenience food store with gas pumps and a car wash was already existing on the site and the application was proposing to add a smog check facility on the eastern edge of the property and would be displacing a couple of parking spaces and moving them to the frontage along Craig Road. The proposed building was very small, approximately 40 square feet in size. The existing structure was in compliance with the Commercial Design Standards; however, the proposal to change the configuration in the parking lot to allow the building in its proposed location created a conflict in that the two new parking spaces did not have a clear 24 foot drive isle between them and the existing gas pumps and the site was already very crowded and other waivers to the Design Standards had been previously granted for landscaping reductions in the parking lot and along the foundation landscaping to allow adequate drive isles; therefore, Staff felt there was too much of a burden for the site and was recommending that UN-15-09 be denied. Should the Commission determine approval was warranted, the following conditions are recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. A total of twenty (20) customer parking spaces are required for the development.
4. The proposed building must use stone veneering and cornice treatments on all four sides of the building.
5. Relocate the smog check storage shed to the middle of the parking area to avoid conflicts with the drive aisle onto Commerce Street.

Commissioner Dilip Trivedi explained he would be abstaining from the vote on UN-15-09.

Commissioner Trivedi left Chambers at 6:30 p.m.

Erroll Hill, Architect, 1614 Maryland Parkway, Las Vegas, NV 89104 appeared on behalf of the architect and explained the applicant was requesting to be allowed to add a smog check facility on the site. Normally, the smog check would be located within the lube facility, which was not yet built on the site. Herbst Oil Company did not plan to build the lube building at the present time, but would like to add the smog business and when the lube building was built, the smog check would be moved into the lube building and felt there was plenty of room on the site to add the smog building.

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

Chairman Carvalho closed the Public Hearing.

Chairman Carvalho asked if there was an overlay of the site with a view of where the buildings would be located.

Mr. Eastman explained the proposed two parking spaces would be at the corner and there were dedications and, if and when additional right turn lanes would need to be developed, the landscaping on the site would be deleted and the parking spaces would be adjacent to the sidewalk. The proposed smog check facility would be located along Commerce Street in the approximate location of the dedicated area of the site.

Chairman Carvalho questioned if there was another location on the site that would be appropriate to locate the facility.

Mr. Eastman responded a better location would be where the proposed lube facility was planned, on the other side of the building, so when the applicant decided to build the lube facility, it would displace the building.

Mr. Hill explained the smog building would have to be relocated while building the lube building and they would like it located such that it could stay open while the lube building was being built.

Vice-Chairman Harry Shull asked the applicant if the smog facility was temporary and would be abandoned once the lube building was completed.

Mr. Hill responded that was correct. Generally, when they had a lube business, the smog machine was located in one of the lube bays.

Vice-Chairman Shull asked if it was possible to put a stipulation that if the application was approved, that when the lube building was completed, the smog building would be abandoned, so it would not be a permanent building.

Mr. Hill was agreeable to a condition to that effect.

Marc Jordan, Planning Manager explained the future was uncertain, there could be someone operating the smog facility and then two years later, another operator could want to operate the lube facility and would not want the smog facility located in their building, so there would be a conflict.

Vice-Chairman Shull asked if the smog facilities were subbed out or if they were operated by Terrible Herbst.

Mr. Hill responded Terrible Herbst Oil Company leased the property and all operations were run by them.

Vice-Chairman Shull asked if the application was approved, if the applicant was agreeable to the recommended conditions.

Mr. Hill questioned Condition No. 5.

Eric Hawkins of Public Works explained it appeared the smog facility was proposed to be close to the current driveway on Commerce Street and they were requesting that the building be moved north to avoid any possible conflicts with vehicles that may be parked at the smog facility and vehicles that were entering the site at the same time.

Mr. Hill agreed to move the building to the north.

Bethany Sanchez, Deputy City Attorney explained it was difficult to be able to define concretely when one business would end and the next one begins and suggested setting a one year time limit for the use permit and then the applicant could apply for an extension of time, if the lube building was not built within the year.

Mr. Jordan recommended adding a new Condition No. 5 to read: "The smog check facility is permitted for one year to expire on February 25, 2010;" and renumber the current Condition No. 5 to be Condition No. 6 to read: "Relocate the smog check facility to the middle of the parking area adjacent to Commerce Street to avoid conflicts with the drive isle onto Commerce Street."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 5 AMENDED AND RENUMBERED TO CONDITION NO. 6 AND A NEW CONDITION NO. 5 ADDED TO READ:

5. THE SMOG CHECK FACILITY IS PERMITTED FOR ONE YEAR TO EXPIRE ON FEBRUARY 25, 2010.

6. RELOCATE THE SMOG CHECK FACILITY TO THE MIDDLE OF THE PARKING AREA ADJACENT TO COMMERCE STREET TO AVOID CONFLICTS WITH THE DRIVE ISLE ONTO COMMERCE STREET.

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

Item No. 10 was heard next.

Commissioner Trivedi returned to chambers at 6:47

9. **VN-02-09 (38078) CHURCH MULTIPURPOSE BUILDING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARCELINO GONZALEZ ON BEHALF OF NEVADA-UTAH ASSOCIATION OF SEVENTH DAY ADVENTISTS, PROPERTY OWNER, FOR A VARIANCE IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW A 20-FOOT BUILDING SETBACK WHERE 50-FEET IS THE MINIMUM BUILDING SETBACK REQUIRED FOR A PROPOSED CHURCH EXPANSION. THE PROPERTY IS LOCATED AT 101 EAST WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-34-701-044.**

It was requested by the applicant to withdraw VN-02-09.

ACTION: WITHDRAWN

Item No. 14 was heard next.

10. UN-14-09 (38079) CHURCH MULTIPURPOSE-EXISTING BLDG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARCELINO GONZALEZ ON BEHALF OF NEVADA-UTAH ASSOCIATION OF SEVENTH DAY ADVENTISTS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW AN EXPANSION TO AN EXISTING CHURCH. THE PROPERTY IS LOCATED AT 101 EAST WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-34-701-044.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting to add a new multi-purpose building, approximately 2200 square feet, in addition to the existing facility. The site was in compliance with all of the parking standards and the design of the building was in compliance with all of the other buildings on site; therefore, Staff was recommending that UN-14-09 be approved with the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Submit building elevations that are consistent with the architectural style and materials used for the main church building. At the time of building permits, a detailed color scheme for the building, which is consistent with the colors used in the Las Vegas valley and its surroundings must be provided.
3. Approval of a traffic study is required prior to submittal of the civil improvement plans.
4. The Department of Public Works may require a drainage study for the project; however, due to the size of the site, this development may be eligible for a drainage study waiver. Please complete and submit waiver application to the Public Works Development & Flood Control Division.
5. The applicant must apply for a change of occupancy with the Building Safety Division of the City of North Las Vegas. Any applications for a tenant improvement will simultaneously satisfy this requirement. The change of occupancy must be approved by the City prior to occupancy.
6. All the existing and proposed buildings must conform to the 2006 International Building Code and other related codes.

Marcelino Gonzalez, 5650 East Sahara Avenue #2001, Las Vegas, NV 89142 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

Mr. Eastman stated Condition No. 3 would be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
THE DELETION OF CONDITION NO. 3

MOTION: Vice-Chairman Shull

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

11. VAC-02-09 (38080) 413 E. GOWAN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MELDRUM FAMILY TRUST, PROPERTY OWNER, TO VACATE A PORTION OF GOLDFIELD STREET BETWEEN GOWAN ROAD AND DELHI AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-10-702-001.

The application was presented by Robert Eastman, Principal Planner who explained Public Works was in support of the proposed vacation; therefore, Staff was recommending that VAC-02-09 be approved with the deletion of Condition No. 3. The original recommended conditions are as follows:

1. Twenty (20) feet of perimeter landscaping within the vacated area of Goldfield Street along Delhi Road shall be provided in accordance with existing landscaping, subject to staff review and approval.
2. The vacation shall record within one year. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.
3. NV Energy reserves an easement over, under and across the southerly five (5) feet of the public right- of- way of Goldfield Street being vacated in this request.

Richard J. Baughman, 1210 Hinson Street, Las Vegas, NV 89102 appeared on behalf of the applicant requesting that NV Energy have a five foot easement over, under and above the southerly five feet be part of the vacation.

Bethany Sanchez, Deputy City Attorney explained if the easement was for NV Energy, that the agreement must be worked out between the applicant and NV Energy.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 3; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Shull

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

12. UN-13-09 (38052) PROPOSED CARWASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JPL ENGINEERING, INC. ON BEHALF OF MARY BARTSAS 17, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT 3260 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-11-404-001.

The application was presented by Robert Eastman, Principal Planner who explained the site had an existing restaurant, convenience food store, convenience food restaurant, gas pumps and also was originally designed and approved for a car wash at approximately the same location. Staff was originally requesting the application be continued to allow the applicant to redesign the site; but, the applicant submitted a revised site plan that addresses the concerns of the Fire Department and the Planning Department. The other concerns are minor and can be dealt with during the building permit phase; therefore, Staff was recommending that UN-13-09 be approved subject to the conditions listed in the Revised Memorandum dated February 25, 2009 as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-13-09 is site-specific and non transferable.
3. That the development shall comply with all requirements outlined in the Industrial Development Standards including but not limited to:
 - a. The building elevations shall comply with the developments standards for Architectural Character and Materials; specifically, exterior materials and finishes and a coherent design for all sides of the structure.
 - b. Six (6) foot wide landscaped islands shall be required within each parking row for every 15 parking spaces contained within the row, and at the ends of each row.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Union Pacific Railroad (UPRR) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. A minimum of five stacking spaces shall be provided behind the entrance to the car wash.
9. The developer shall post a sign at the site entrance on Losee Road which states "No Oversized Parking On Site".
10. 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.
11. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
12. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.
13. 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.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. The developer is responsible for acquiring any roadway, drainage, or utility easements needed to construct the project.
16. The property owner is required to sign a restrictive covenant for utilities.
17. This application shall comply with the *City of North Las Vegas Municipal Code* and NRS 278. Conformance may require modifications to the site.
18. The entire fire access lane, including the hammer-head turn around shall be completed or an alternate method providing a turn-around for fire apparatus shall be completed to the satisfaction of the Fire Department prior to certificate of occupancy.
19. Fire access lanes shall be designed in accordance with the fire code.

20. Fire access lanes shall be marked to prohibit parking in accordance with the fire code.
21. Their shall be large view panels on the North side of the building to allow the interior to be monitored, as depicted on the building elevations submitted with this application.

James Lopez, JPL Engineering, 5096 West Post Road, Las Vegas, NV appeared on behalf of the applicant questioning the Police Department's conditions for large view panels on the north side of the building. He explained there were no windows on the north side of the building; the cutouts shown on the plan were to place advertisements and he did not feel windows were necessary.

Jose Rodriguez of the Police Department explained the reason for the condition was due to the proximity of the structure to the railroad and the fact that it backed up to the highway and limited amount of activity support in the area. It was felt it would be in the best interest of the community that there be view panels so no one could be lurking inside or hiding in that area. The view panels would allow for anyone who might be frequenting the Jack in the Box or the Denny's a little bit of opportunity to add surveillance in that area.

Mr. Lopez explained the operation was limited and was not a 24 hour access and could not agree to the condition without consulting with the applicant.

Mr. Rodriguez stated as long as the applicant would be limiting access to the building, so there was no possibility of someone entering the exit and/or the entrance, the condition could be deleted. Also, the fact there would be another building in the future, would alleviate some of the Police Department concerns.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS LISTED IN MEMORANDUM DATED FEBRUARY 25, 2009 WITH THE DELETION OF CONDITION NO. 21

MOTION: Vice-Chairman Shull

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

13. UN-16-09 (38093) LIBERTY SALVAGE MATERIALS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY IRMA L. HUERTA, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN EXPANSION TO AN EXISTING SALVAGE CENTER. THE PROPERTY IS LOCATED AT 130 WEST OWENS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-811-029.

The application was presented by Robert Eastman, Principal Planner who explained the site originally had and operated under an existing use permit that was approved in 1998 for a salvage yard and at that time it was limited to the southern half of the site, with the northern half being limited. The applicant was required to block access to the northern half of the site and that if they chose to expand into that site, they would need to apply for a use permit. Other conditions that were imposed in 1998 were for a number of annual reviews to ensure compliance with all the conditions of approval. During the annual reviews, under normal circumstances, the applicant had some difficulty showing compliance to all conditions and numerous violations were shown. The applicant has been operating their salvage operation on the northern half of the site and was now coming forward to request approval to allow them to operate in the northern half of the site. From a Staff perspective, they have some concerns, since the applicant was not operating as a salvage center, but as a material recovery facility and the site was too small for a material recovery facility and not designed for it and was not adequately designed for that type of facility. The site was abutting residential on the other side of Stocker Street and the expansion to the north would allow trucks as it was currently proposed, to access onto Water Street and drive along Stocker Street and it was felt to be a safety concern to the residents that live on the other side of Stocker Street. Additionally, Staff was requesting that UN-16-09 be denied. Should the application be approved, then access along Water Street needed to be closed to truck traffic; however, other department have reviewed the site and the City of Las Vegas has sent a letter requesting the application be denied and the North Las Vegas Redevelopment Agency was also requesting that the application be denied. Staff was recommending that UN-16-09 be forwarded to the Redevelopment Agency with a recommendation for denial. However, if the Commission determines approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-16-09 is site specific and non transferrable.
3. That subsequent expansion or additions to the use shall be subject to Planning Commission review and approval.
4. That development shall generally conform to the site plan as submitted or as amended herein.

5. Outside storage shall be screened from view with a minimum eight-foot high solid masonry wall.
6. Outside storage shall not exceed the height of the required wall.
7. A barrier shall be provided to prevent vehicle use on the undeveloped portion of the site.
8. The applicant shall comply with all applicable Building and Fire Department codes and ordinances.
9. Activities, including storage, shall be limited to a paved surface to keep dust down.
10. That applicant shall be limited to the hours of operation between 7:00 a.m. and 6:00 p.m., Monday through Friday.
11. Parking, backing or maneuvering on public streets shall be prohibited.
12. The ingress/egress along Water Avenue shall be closed off to traffic related to the business operations and used only for fire access.
13. The applicant shall provide a site circulation and access plan to the City of North Las Vegas Traffic Engineer for review and approval.
14. Dedication and construction of the following half street is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* 16.24.100
 - a. Water Avenue
15. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
16. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
17. The property owner is required to grant a roadway easement for commercial driveway(s).

18. A turn-around at the westerly end of Water Avenue is required.
19. Approval of a drainage study is required prior to submittal of the civil improvement plans.
20. Union Pacific Railroad (UPRR) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
21. Approval of a traffic study is required prior to submittal of the civil improvement plans. Traffic Study to include an auto-turn analysis for the turn-around at the westerly end of Water Avenue.
22. 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.
23. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
24. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.
25. 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.
26. All off-site improvements must be completed prior to final inspection of the first building.
27. The developer is responsible for acquiring any roadway, drainage, or utility easements needed to construct the project.
28. The property owner is required to sign a restrictive covenant for utilities.
29. This application shall comply with the *City of North Las Vegas Municipal Code* and NRS 278. Conformance may require modifications to the site.
30. The fire department access lane shall be designed and maintained in accordance with fire code requirements, including support of the imposed loads of fire apparatus and an all-weather driving surface.

31. A second means of fire department access into this development shall be provided from Water Avenue.
32. Gates restricting traffic across required access lanes shall be in accordance with Fire Code requirements.
33. A storage management plan indicating the method of storing the solid waste product is required. Identify each product, include the container size and material, whether stored in racks or piles, the anticipated storage height and measures to secure the yard.

Tony Salazar, Vice President of Liberty Salvage Materials, 1520 Red Rock Street, Las Vegas, NV 89146 appeared on behalf of the applicant explaining the operation was a recycling center and salvage yard with the salvage of lumber, cardboard, paper, plastics, aluminum, metals - non-ferrous and ferrous. He pointed out they had a current use permit, but wanted to expand their operations. He explained the yard was covered with asphalt and there was a fire hydrant, block walls and a Storm Water Prevention Program permit in place and they were approved with the Southern Nevada Health District and had complied with their requirements and in May, 2007 they applied for a materials recovery facility that was for solid waste from construction debris and also recycling materials.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Jo Cato questioned the applicant about operating a materials recovery facility without a business license.

Mr. Salazar explained there was no current North Las Vegas Business License for a materials recovery facility and in 1998 there were no statutes to govern a materials recovery facility (MRF). When they applied for their license, they were considered a recycling/salvage yard and in 2001, when the Health District passed their ordinances for materials recovery facilities, they applied and under those ordinances, they were considered a materials recovery facility.

Commissioner Dilip Trivedi concurred with Staff and was not in support of the application and the applicant was not currently complying with the conditions imposed.

Commissioner Jay Aston asked if the application went to the Redevelopment Agency for final consideration whether or not it was approved or denied.

Mr. Eastman indicated it did.

Marc Jordan, Planning Manager explained the applicant originally applied for a recycling center but because of the outside operations and the definition of the zoning ordinance, they could not do a recycling center because everything had to take place inside a building. Therefore, when looking at the zoning ordinance, it was determined a salvage center was allowed and it was indicated very specifically, that they were only bringing in recyclable materials to the site. Those items that could not be recycling would be taken directly to the landfill; therefore, the conditions were written such that only recyclable materials could be taken to the site. It was also written that they could only use the southern half of the parcel, the part that was paved at the time and they must put up a barricade. The applicant was correct, the City did not have materials recovery facilities language in the ordinance at that time; however, a couple of years ago, the language was developed in accordance with the Health District. He pointed out Republic Services was a materials recovery facility and the ordinance would not allow a materials recovery facility at the proposed site. The Health District basically said the applicant fell under their requirements as a MRF, but they were still required to comply with the North Las Vegas requirements. When the applicant went through the approval process, a letter was sent to the Health District being very specific that the applicant was only allowed as a salvage operation and did not have approval to operate as a MRF in the City of North Las Vegas. He explained to the Commission, they would only be approving a salvage center. The applicant was currently operating as a MRF, which they were not licensed to do in North Las Vegas. Unfortunately, the recommendation was for denial, as the applicant had shown a history of not complying with the conditions and were cited and given a specific amount of time to cease operations on the site or gain the necessary entitlements.

ACTION: DENIED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

Public Forum was heard next.

OLD BUSINESS

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

It was requested by the applicant to continue SPR-25-08 to March 25, 2009.

ACTION: CONTINUED TO MARCH 25, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:17 p.m.

APPROVED: March 25, 2009

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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