

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

May 14, 2008

*All Staff Reports and attachments are available on the City's
Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)*

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

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

Chairman Steve Brown presented Commissioner Ned Thomas with a plaque in appreciation of his service on the Board.

WELCOME: Chairman Steve Brown

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

STAFF PRESENT: Frank Fiori, Acting Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Terence Capers, Planner
Nick Vaskov, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Clete Kus, PW, Transportation Planner
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Bob Locher, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION

Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE

Commissioner Dean Leavitt

MINUTES

- Approval of the minutes for the Planning Commission meeting of April 9, 2008

ACTION: APPROVED

MOTION: Commissioner Dean Leavitt

SECOND: Vice-Chairman Dilip Trivedi

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

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

NEW BUSINESS

1. **UN-36-08 (35015) OFFICES AT ANN ALLEN COMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OFFICES ANN ALLEN COMMONS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-813-003.**

The application was presented by Terence Capers, Planner who explained the use would be a 2,247 square foot convenience food restaurant located within the Ann Crossing Commercial Center. A supper club was Originally approved through UN-164-04, but since that time, the applicant was requesting the current use permit to replace the supper club. No waivers were requested with the application; however, through review, Staff recognized there were some design inconsistencies with the elevations submitted. The applicant revised the plans and was now in compliance; therefore, Staff was recommending approval of UN-36-08 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. Application UN-164-05 for a supper club shall become null and void with approval of UN-36-08.
3. Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;
 - a. Building elevations shall comply with those elevations approved with the Development Agreement and shall be coherently designed and treated to match the commercial center.
4. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
5. Ann Road is a no-cut street.
6. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
7. Drive aisle width shall be a minimum of 24 feet and shall not include queuing lane.
8. An unloading area shall be designated which does not interfere with site circulation.

9. A minimum of five queuing spaces shall be provided for the drive-thru restaurant.
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.
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.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating they were not requesting any waivers. They submitted an elevation showing consistent design throughout the entire complex and concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Rick Hasse, 3708 Gramercy Avenue, North Las Vegas, NV 89031** was opposed to the application. He preferred the previously approved supper club and asked the hours of operation for the fast food restaurant, as he was concerned about the noise that would be generated from the drive-thru.
- **Iris Gross, P.O. Box 336314, North Las Vegas, NV 89033** was opposed to the application and felt the Development Agreement should be adhered to, which showed a supper club.

Chairman Brown closed the Public Hearing.

Ms. Lazovich explained the developer of the project made a commitment to the City that he would build out the office portion of the project first, to try to get some availability for office uses in the area. For the past 2 ½ years, the developer has been looking for a supper club tenant but was unsuccessful. The developer agreed the hours of operation

were the most overwhelming objection to a convenience food restaurant because they could be 24 hours and they were willing to agree to a condition that would limit the hours of operation for the convenience food restaurant and suggested they be 6 a.m. to Midnight.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: Chairman Brown

ABSTAIN: None

2. UN-37-08 (35014) OFFICES AT ANN ALLEN COMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OFFICES ANN ALLEN COMMONS LLC, PROPERTY OWNER, FOR A 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 NORTHWEST CORNER OF ANN ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-813-003.

The application was presented by Terence Capers, Planner who explained the use was approved previously and the applicant was reestablishing the uses at the site. Staff was recommending approval of UN-37-08, as the elevations comply with the site. Staff spoke with the applicant and the only other issue was the gas canopy shown on the elevations which would not be approved. The recommended conditions as shown in the revised memorandum 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. Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;
 - a. Building elevations shall comply with those elevations approved with the Development Agreement and shall be coherently designed and treated to match the commercial center.
3. The gas canopy design and shall be reviewed and approved through the building permit process.
4. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
5. Drive aisle width shall be a minimum of 24 feet and shall not include queuing lane.
6. An unloading area shall be designated which does not interfere with site circulation.
7. The location of underground storage tanks shall be such that the delivery of fuel will not block any drive aisle.
8. Will need to show existing roadway easement for bus loading pad behind bus turn-out.

9. 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.
10. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
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. 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.
13. All off-site improvements must be completed prior to final inspection of the first building

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating they had a use permit approved, which expired. It took approximately one year to get the plans approved through the civil improvement plan and Building Department and the final step was to pay for and pick up the building permit and the permit expired before the process could be completed. She asked that the convenience store be open 24 hours to accommodate the hours people work and did not feel the use was noisy and asked that the application be approved subject to the conditions listed in the revised memorandum.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

The following comments were carried forward from Item No. 1:

- **Rick Hasse, 3708 Gramercy Avenue, North Las Vegas, NV 89031** *was opposed to the application. He preferred the previously approved supper club and asked the hours of operation for the fast food restaurant, as he was concerned about the noise that would be generated from the drive-thru.*

Chairman Brown closed the Public Hearing.

Commissioner Ned Thomas understood residents being concerned about the canopy, but noticed the canopy was oriented to the center of the site and the convenience store was to the street and Ms. Lazovich made a good point about the widths of the street and on the site design there was an adequate amount of landscaping that would also provide a buffer. He felt, according to the Design Guidelines, a good job was done trying to mitigate any of

the impacts there might be to the neighbors who back up to the site and was in support of the application.

Chairman Steve Brown explained lighting had been a problem in the past and the lighting was changed so it shined straight down, so it would not affect the residential neighborhoods.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

3. UN-38-08 (35016) OFFICES AT ANN ALLEN COMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OFFICES ANN ALLEN COMMONS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-813-003.

The application was presented by Terence Capers, Planner who explained the use permit had lapsed and the applicant was requesting to reestablish the use at the site. Staff was recommending approval of UN-38-08 subject to the conditions listed in the revised memorandum as follows:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;
 - a. Building elevations shall comply with those elevations approved with the Development Agreement and shall be coherently designed and treated to match the commercial center.
3. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
4. Drive aisle width shall be a minimum of 24 feet and shall not include queuing lane.
5. An unloading area shall be designated which does not interfere with site circulation.
6. The location of underground storage tanks shall be such that the delivery of fuel will not block any drive aisle.
7. Will need to show existing roadway easement for bus loading pad behind bus turn-out.
8. 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.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

10. 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.
11. 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.
12. All off-site improvements must be completed prior to final inspection of the first building

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant requesting that her comments from Item Nos. 1 and 2 be incorporated as follows:

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating they were not requesting any waivers. They submitted an elevation showing consistent design throughout the entire complex and concurred with Staff recommendation.

Ms. Lazovich explained the developer of the project made a commitment to the City that he would build out the office portion of the project first, to try to get some availability for office uses in the area. For the past 2 ½ years, the developer has been looking for a supper club tenant but was unsuccessful. The developer agreed the hours of operation were the most overwhelming objection to a convenience food restaurant because they could be 24 hours and they were willing to agree to a condition that would limit the hours of operation for the convenience food restaurant and suggested they be 6 a.m. to Midnight.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating they had a use permit approved, which expired. It took approximately one year to get the plans approved through the civil improvement plan and Building Department and the final step was to pay for and pick up the building permit and the permit expired before the process could be completed. She asked that the convenience store be open 24 hours to accommodate the hours people work and did not feel the use was noisy and asked that the application be approved subject to the conditions listed in the revised memorandum.

Ms. Lazovich recommended a condition to satisfy the neighbors on the hours of operation for the car wash. She suggested the hours of operation be limited from 6 a.m. to Midnight, so it would not be 24 hours and the residents would not have to worry about somebody coming through in the middle of the night with a vacuum cleaner running.

Chairman Steve Brown opened the Public Hearing. The following comments were carried forward from Item No. 1:

- ***Rick Hasse, 3708 Gramercy Avenue, North Las Vegas, NV 89031*** was opposed to the application. He preferred the previously approved supper club and asked the hours of operation for the fast food restaurant, as he was concerned about the noise that would be generated from the drive-thru.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt asked the applicant what means they were willing to provide to ensure that the car wash would not be used after 10 p.m. or Midnight.

Ms. Lazovich responded a door could be put on the front end of the car wash, so it could not be entered.

Chairman Brown stated he would like to see the same time restrictions that were put on Fabulous Freddy's Car Wash, as they were also close to a residential area, and asked if anyone remembered the hours of operation imposed on that facility. He suggested possibly 7 a.m. to 10 p.m.

Ms. Lazovich asked the hours of operation that were being considered.

Chairman Brown responded he was recommending 7 a.m. to 10 p.m. and asked how the other Commissioners felt.

Commissioner Jay Aston agreed with Chairman Brown that 7 a.m. to 10 p.m. was adequate hours for a car wash establishment. He did not know the noise restrictions for the City of North Las Vegas, but he felt it was closer to 7 to 10 than 6 to Midnight.

Commissioner Dean Leavitt agreed with Chairman Brown and Commissioner Aston, that 7 a.m. to 10 p.m. was sufficient for the hours of operation for a car wash.

Commissioner Ned Thomas asked the applicant the location of the vacuums.

Ms. Lazovich pointed out the vacuums, showing they were located interior to the site.

Commissioner Leavitt asked if a condition should be added to cover the hours of operation and that there would be a door in place.

Commissioner Aston asked if it would be a door or gate.

Ms. Lazovich indicated she would like the condition to state a door or gate.

Marc Jordan, Planning Manager recommended a condition be added to read: "Hours of operation shall be limited between 7 a.m. and 10 p.m." He added as far as the barricade, they were already establishing hours of operation, so a condition was not necessary for the barricade.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF CONDITION NO.13 TO READ:

13. HOURS OF OPERATION SHALL BE LIMITED BETWEEN 7 A.M. AND 10 P.M.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

Item No. 5 was heard next.

4. **ZN-34-97 (34613) TROPICAL & LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PGAL LLC ON BEHALF OF NLV HEALTHCARE DEVELOPMENT LP, TROPICAL & LOSEE LLC, AND BANK OF NEVADA, PROPERTY OWNERS, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT TO AMEND A CONDITION OF APPROVAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-605-002, 124-26-606-004, 124-26-605-007, 124-26-605-008 AND 124-26-605-009.**

It was requested by the applicant to continue ZN-34-97 to June 25, 2008.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 25, 2008

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 13 was heard next.

5. UN-35-08 (35012) LOPERS HOBBY SHOP (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIMOTHY LOPER, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW A 2,400 SQUARE-FOOT ACCESSORY STRUCTURE. THE PROPERTY IS LOCATED AT 4682 NORTH KENNY WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-05-105-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to locate the accessory structure in the rear yard and would include a 600 square foot basement and did not exceed 25% of the lot coverage required. The item was brought before the Commission as an accessory structure was only allowed up to 1200 square feet in ranch estates, unless it was approved as part of a special use. The building would match the existing home and was required not to exceed the height of the existing home and Staff indicated, since the applicant was proposing to take cars to the structure, a driveway would be necessary, which would also facilitate the needs of the Fire Department should they need to pull a fire truck onto the property. Staff was recommending approval of UN-35-08 with Condition Nos. 6, 8 and 9 deleted. 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. That the accessory structure shall match the principal building in material, design and color and shall not exceed the height of the principal building.
3. Due to the size of the site, this development may be eligible for a drainage study waiver. Submit waiver application to Public Works Development & Flood Control Division (Mark Escobedo @ 633-1912 or Kent Chang @ 633-2771). Application forms may be found on the City of North Las Vegas website (<http://www.cityofnorthlasvegas.com/About/Forms.shtm>)
4. A reversionary map is required to be filed to remove lot line created by the vacation of Noah Avenue street.
5. 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.
6. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

7. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
8. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
9. All off-site improvements must be completed prior to final inspection of the first building.
10. A 12' wide access road capable of supporting the weight of a fire engine shall be provided such that all portions of the ground floor wall are within 150' of the fire access lane. The distance is to be measured as a fire hose would lay (around the perimeter of the structure and not through walls). The surface is to be permanent such as concrete, asphalt, pavers, or other material as approved by the Fire Chief.

Timothy Loper, 4682 North Kenny Way, North Las Vegas, NV 89031 appeared on the application indicating he currently had a gravel driveway and landscaping in place and asked to leave it as it was. Explaining the problem with asphalt and concrete was that it would adversely affect the site drainage currently in place. He felt the additional cost of the driveway and asphalt was an unnecessary hardship. He pointed out the Fire Department was currently accepting gravel roads to access construction sites and he was asking for the same consideration.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston asked the applicant if he was referring to the last sentence in Condition No. 10. Mr. Loper responded that was correct. Commissioner Aston asked if there was an existing condition. Mr. Loper responded there was existing landscaping and driveway. Commissioner Aston asked the total width from the driveway to the back of the house. Mr. Loper responded the width of the opening going through gates to the back was 12 feet. Commissioner Aston asked how the drainage would be controlled if a solid surface was put in. Mr. Loper responded that was the problem he would be facing as the drainage currently came down the middle and a raised driveway would affect the drainage. Commissioner Aston asked if there was a compaction requirement for the driveway.

Mike Steele of the Fire Department responded they do allow a temporary access road to be gravel and there are some requirements as far as the compaction, but did not recall

what they were; however, it was for temporary access only. They require pavement or some type of hard surface to be in place for other sites as they are built out.

Commissioner Aston understood the applicant's concern with creating a drainage issue for his property by using a solid surface.

Mr. Loper explained he currently had a 35 foot set back to his gates, which lead to the back yard and would be willing to put in a driveway strip at that location, which would reduce the distance to the back of the structure to under 150 feet if it would satisfy the Fire Department.

Mr. Steele believed the requirement stated in the condition was to be within 150 feet, so if they could give some type of permanent surface within 150 feet of the back building, it would meet the condition.

Commissioner Aston asked how the condition could be reworded.

Mr. Steele explained the whole access road was only to the point where you were within 150 feet of the building itself.

Chairman Brown explained 150 feet is the way a fire hose would lay out.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 6, 8 AND 9

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

6. **UN-39-08 (35018) CARPORT ENCLOSURE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOSE LUIS LAZCANO, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A CARPORT CONVERSION. THE PROPERTY IS LOCATED AT 2808 BASSLER STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-13-219-009.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant had already converted the carport into living space and was cited by the Building Department in February 2008. The applicant has come in with a special use permit to allow the conversion to be allowed to remain as is. The conversion would add approximately 178 square feet to the existing living area which was approximately 190 square feet. The applicant was required to provide proof that there were three other conversions within 300 feet of the property that were done legally, which the applicant has done. The applicant also demonstrated they have the ability to provide at least two parking spaces off street, that was required by the ordinance and a second kitchen would also not be allowed. Staff was recommending approval of UN-39-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Single-Family Design Guidelines
2. A parking area sufficient for two vehicle off-street parking spaces with the minimum dimensions of 18 feet in width by 20 feet in length must be provided.
3. Building permits shall be obtained and all fees shall be paid.

Jose Lazcano, 2808 Bassler Street, North Las Vegas, NV 89030 concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

7. **UN-41-08 (35035) PURE EVIL RACING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THOMAS J. AHEY ON BEHALF OF PICO VEGAS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY (MOTORCYCLE). THE PROPERTY IS LOCATED AT 4220 EAST CRAIG ROAD, UNIT 4. THE ASSESSOR'S PARCEL NUMBER IS 140-06-610-019.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy approximately 3,000 square feet of the facility. The existing site was in compliance with the parking requirements. Staff was recommending UN-41-08 be approved 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. All work shall be performed within a building.
3. All vehicles (motorcycles) awaiting repairs over night shall be stored inside a building.

Thomas Ahey, 4785 Copper Sage Street, Suite B, Las Vegas, NV 89115 indicated he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

8. **ZN-44-02 (35037) ANN & NORTH 5TH C-STORE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ANN FIFTH INVESTORS LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF AN ADDITIONAL 1,600 SQUARE FEET OF RETAIL SPACE AND A 2,000-SQUARE-FOOT CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-502-006 AND 124-34-502-007.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to amend the easterly portion of the site. It was presently approved for a convenience store and car wash and the applicant was proposing to add retail to the convenience store and add a fast food restaurant that would be on the southerly side. There were some minor amendments to the westerly portion, by removing six parking spaces, so they could fit the fast food restaurant into the site. In the Staff Report, it was indicated the site was slightly under parked, because it was reviewed under the shopping center requirements; however, Staff was actually reviewing it under individual parking requirements so the applicant was required to have approximately 138 parking spaces, which they have 144 spaces, so they exceed the parking requirements, so it was no longer an issue. The applicant requested a waiver from the Commercial Design Standards, asking that the landscaping be reduced to 10 feet where 20 feet is required along the southerly property line, where there is residential planned behind the center and they were asking for a small portion on the easterly side. Staff was not recommending approval of the waiver; therefore, they were recommending ZN-44-02 be continued to allow the applicant to redesign the plan to show the full 20 feet of landscaping. Should the Commission determine approval was warranted, the following conditions were recommended, along with amendments that would be read into the record:

1. That a traffic study is required; and
2. That a comprehensive drainage study is required; and
3. That approval of this application does not imply a commitment by the City for utility service to the subject property. A utility commitment will only be issued upon compliance with the requirements and conditions set forth in the Utility Service Commitment Policy Guidelines available from the Department of Public Works; and
4. That the development shall generally conform to the site plan dated April 30, 2008.
5. That the final development plan for the site, or portion thereof, shall be subject to Planning Commission review and approval; and

6. That the development shall comply with all applicable codes and ordinances; and
7. That development shall comply with all applicable requirements of Title 16 and N.R.S. 278; and
8. That prior to submittal of a final map, street names shall be submitted to and approved by the Fire Alarm Office and U.S. Postal Service; and
9. That street construction must conform to current engineering standards and City ordinances; and
10. That technical design comments will be made at the time development plans are submitted; and
11. That a water network analysis must be provided prior to development; and
12. Any known geologic hazards shall be shown on the plans. The presence of such hazards may substantially alter the design of the Final Development Plan; and
13. The owner/developer is responsible for extending public utilities to the site; and
14. Clark County Regional Flood Control District (CCRFCD) concurrence of the drainage study is required; and
15. Additional right of way dedication required for the flared intersection per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1; and
16. Additional right of way dedication required for a bus turn out on North Fifth Street south of Ann Road; and
17. That the design and installation of the fire apparatus access lane shall be in conformance with all requirements of the Fire Code; and
18. That the development comply with the Commercial Design Guidelines; except:
 - a. Elevations as provided with application.
19. That the development of this site be in compliance with all Codes and Ordinances in effect at the time of building permit issuance. If there is a conflict with the conditions mentioned herein, the more restrictive shall apply; and
20. Clark County Public Works (CCPW) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

21. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
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 civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
24. 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. Ann Road
25. 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.
26. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
27. 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.
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. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
31. No trash enclosures shall be permitted within 50 feet of the southern or western property lines.

32. A cross access and parking agreement will be recorded against APN 124-34-502-006 and 007.
33. That adequate parking be provided based on the requirements for a shopping center (one space per 200 square feet of floor area) with each phase of development, which may include some of the reciprocal parking spaces, plus two spaces for the car wash.
34. The development of this PUD shall not exceed 33,250 gross square feet of retail space.
35. That a special use permit be approved for the proposed convenience food restaurant. If a special use permit is not approved, then the building may be used for a use identified as a principally permitted use in the C-1, Neighborhood Commercial District.
36. No signage shall be considered or implied to be approved as part of this request. A Master Sign Program shall be submitted for review and approval in accordance with the requirements set forth in the Zoning Ordinance.
37. All landscaping shall be provided in accordance with the requirements set forth in the Zoning Ordinance, including but not limited to foundation landscaping, landscape buffers, perimeter landscaping and parking lot landscaping; except:
 - a. Landscape islands for the western portion of the PUD, as shown on the site plan dated November 22, 2006.
 - b. The area along the southern boundary of parcel APN124-34-502-006. Said landscape area shall be provided with one 24" box tree planted 10 feet on-center and shrubs of a sufficient number, size and species to provide a minimum 80% ground coverage (not including tree canopies) within two years of planting.
38. A minimum 200 square feet of pedestrian plaza area shall be provided within the western portion of the development. The required pedestrian plaza area cannot be within any required setback areas, landscape areas or pedestrian accessways.
39. A minimum two bicycle parking spaces shall be provided for each building. Bicycle parking spaces cannot be within any required landscape areas or plaza areas and cannot impede pedestrian accessways.
40. Fire access lanes shall be located in accordance with Fire Code requirements.

41. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
42. A minimum of five stacking spaces shall be provided behind the ordering board for the drive-thru restaurant.
43. Approval of a drainage study update is required prior to submittal of the civil improvement plans.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant explaining they were asking for a waiver on the south boundary of the project. She showed a rendering of what the site would look like with the waiver. They were proposing to put in a 10 foot landscape easement and within the 10 feet they would plant the trees 10 feet on center, so there would be double the amount of trees and with the 12 foot high existing block wall, she felt that, in combination with doubling up on the trees, would add for an intense landscape buffer that would not impact any of the future residents to the south.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Ned Thomas did not feel a drive-thru and car wash were pedestrian friendly and did not adhere to the vision of the North Fifth Street Transit Corridor and did not support the application.

Ms. Lazovich explained when working with Staff, they knew they needed to ask for a waiver in one respect, it was either the waiver requested with this application or a waiver of the sidewalk/landscaping corridor design along North 5th Street because it was a very specific requirement they had along North 5th Street, trying to encourage the pedestrian activity where they have a wider walking path that was pulled away from the street. In working with Staff, they knew that was important, so they did not ask for a waiver at that location. They asked for the proposed waiver as it would be better for future home owners that might come in.

Commissioner Dean Leavitt asked the applicant if the landscaping would be visible to the inside of the property or to the street side. Ms. Lazovich responded the landscaping would be visible on the inside.

Chairman Steve Brown asked if the block wall was 12 feet on the applicant's side and six foot on the other side. Ms. Lazovich was not sure of the wall height on the adjacent property. Chairman Brown asked Staff to comment, as 12 foot walls were not normally approved. Jennifer Doody of Public Works explained it was probably a six foot retaining wall and six foot screen wall.

Commissioner Dilip Trivedi was concerned about the hours of operation of the drive-thru, as it was close to the property to the south.

Ms. Lazovich responded the drive-thru was item No. 9.

Commissioner Harry Shull normally would not be in favor of giving up landscaping and set-backs, but in light of the fact that there was a 12 foot wall that was a major buffer, and the increased landscaping would do more to enhance the neighbors behind them, than the 20 foot landscaping with fewer trees and was not opposed to the waiver of the landscaping.

Chairman Brown agreed with Commissioner Shull and asked Staff which application would regulate the hours of operation for the drive-thru and car wash. It was pointed out, the hours would be regulated with the use permits.

Mr. Jordan indicated if there was a motion to approve, Condition Nos. 33 and 34 would be deleted and Condition No. 42 would be amended to read: "A minimum of five stacking spaces (a minimum of 20 feet each) shall be provided behind the ordering board for the drive-thru restaurant."

Commissioner Shull asked if a condition should be added for the landscape waiver. Mr. Jordan responded the landscape waiver was addressed in Condition No. 37 and 37.b, which states that landscaping shall be provided with one 24" box tree planted 10 feet on center and shrubs and ground coverage 80% instead of 60%, which was normally required.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 33 AND 34 AND CONDITION NO. 42 AMENDED TO READ:

42. A MINIMUM OF FIVE STACKING SPACES (A MINIMUM OF 20' EACH) SHALL BE PROVIDED BEHIND THE ORDERING BOARD FOR THE DRIVE-THRU RESTAURANT.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Aston

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

NAYS: Commissioner Thomas

ABSTAIN: None

9. UN-42-08 (35038) ANN & NORTH 5TH C-STORE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ANN FIFTH INVESTORS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-502-006 AND 124-34-502-007.

The application was presented by Marc Jordan, Planning Manager who explained Staff originally recommended continuance due to Item No. 8; however, because ZN-44-02 was approved and would be forwarded to City Council with a recommendation of approval, Staff was recommending approval of UN-42-08 with the deletion of Condition No. 2 and amended Condition No. 5 to read: "If the convenience food restaurant is completed prior to any other buildings on the site, then adequate parking shall be provided, as required for a convenience food restaurant." The amendment to Condition No. was due to the fact that the parking was not based on the shopping center requirements and Condition No. 2 was deleted because there was a requirement that they had to comply with all conditions of approval for ZN-44-02 and the condition was listed with the conditions in ZN-44-02. The original recommended conditions are as follows:

1. That the development shall generally conform to the site plan dated April 30, 2008, unless otherwise amended herein or by the City Council during the consideration of ZN-44-02.
2. A minimum of five stacking spaces shall be provided behind the ordering board for the drive-thru restaurant.
3. The ordering board shall not face the southern property line.
4. That the final development plan for the convenience food restaurant shall be subject to Planning Commission review and approval.
5. If the convenience food restaurant is completed prior to any other buildings on the site, then adequate parking shall be provided, as required for a convenience food restaurant. If other buildings are completed prior to the convenience food restaurant, then adequate parking shall be provided, as required for a shopping center.
6. That the development shall comply with all applicable codes and ordinances, including but not limited to, all conditions attached to ZN-44-02.

7. To allow for visibility, the trash enclosure gates shall be hung at a height approximately 8" from the ground.
8. The use permit is site-specific and non-transferable.
9. Any expansions or additions to the use shall require Planning Commission review and approval.
10. UN-42-08 shall expire on May 14, 2010.

Jennifer Lazovich 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's amended conditions. She explained the order board was intentionally placed on the northern most portion of the building to avoid the residential lots that would be developed. In response to Commissioner Trivedi's concerns regarding the hours of operation, they were willing to agree to hours that would be limited from 6 a.m. to Midnight.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Trivedi suggested the hours of operation be limited to 10 p.m.

Chairman Steve Brown suggested the hours be the same as curfew.

Commissioner Jay Aston did not feel the drive-thru would be as noisy as a car wash.

Commissioner Trivedi asked what type of limitations had been put on other drive-thru restaurants.

Mr. Jordan did not recall a condition limiting the hours of operation of a drive-thru being placed on too many convenience food restaurants.

Ms. Lazovich explained the current technology of a drive-thru was not as noisy as the older ones. The new technology for the sound, is a more defined area and does not broadcast outward, so was not as loud.

Chairman Brown asked the status of the housing development to the south of the project.

Mr. Jordan responded he did not know the status, but it was mapped and recorded. He did not know if there were any permits pending.

Jennifer Doody of Public works indicated there were permits, as the wall was built. There were approved plans and permits, so they could start building at any time.

Commissioner Ned Thomas indicated there were two model homes under construction on the site.

Clete Kus of Public Works responded on the comment about moving the order board. He explained that would raise some concern regarding providing adequate queuing or stacking space, which would essentially result in the queue for the drive-thru backing up into the main drive isle of the site, creating on site traffic conflicts and as for the new technology for order boards, in the Centennial Hills area at the In N Out Burger, they have a person outside taking orders.

Ms. Lazovich explained she was not suggesting moving the order board, as they knew they had the stacking requirement from Public Works.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 2 AND CONDITION NO. 5 AMENDED TO READ:

5. IF THE CONVENIENCE FOOD RESTAURANT IS COMPLETED PRIOR TO ANY OTHER BUILDINGS ON THE SITE, THEN ADEQUATE PARKING SHALL BE PROVIDED, AS REQUIRED FOR A CONVENIENCE FOOD RESTAURANT.

MOTION: Commissioner Shull

SECOND: Commissioner Aston

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

NAYS: Chairman Brown and Commissioner Thomas

ABSTAIN: None

10. UN-40-08 (35022) LSV SHADOW CREEK-NPC SUBSTATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VERIZON WIRELESS ON BEHALF OF NEVADA POWER COMPANY, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN 80-FOOT TELECOMMUNICATION TOWER TO BE LOCATED 103 FEET SOUTH AND 173 FEET EAST FROM A RESIDENTIAL ZONED PROPERTY WHERE 200 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT 6300 NORTH PECOS ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-30-101-001.

The application was presented by Marc Jordan, Planning Manager who explained cell towers were normally a permitted use in an M-2 area, provided it can be demonstrated that all of the set-backs required could be met. In this case, because the set-back requirements of 200 feet from residential cannot be met, the applicant was required to go through the special use permit process to request the closer location to the residential. The applicant was requesting that the tower be located approximately 103 feet from the southerly property line and 173 feet from the easterly property line. Because the site is so large, Staff believes there should be some ability on the part of the applicant and the property owner, to relocate the cell tower so it complied with the set-back requirements. Staff was recommending that UN-40-08 be denied. Should the Commission determine 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. This use permit is site specific and non transferrable.
3. A Stealth tower including **architectural elements, and towers designed as a palm tree** is required. Four (4) additional palm trees of varying height must be planted within the telecommunication facility to provide the same appearance as stealth tower.
4. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. 30' on Azure Avenue and associated spandrel
 - b. Spandrel at Centennial Parkway and Pecos Road..
5. The property owner is required to sign a restrictive covenant for utilities.
6. All off-site improvements must be completed prior to final inspection of the structure.

7. Provide paved access from existing pavement to base of pole.
8. International Building Code 2006 required the tower foundation and its anchorage shall be designed to resist twice the calculated wind load to minimize the potential for overturning.

Tracy Cline, Spectrum Surveying and Engineering, 8905 West Post Road #100, Las Vegas, NV 89148 appeared on behalf of the applicant indicating Verizon Wireless was attempting to extend their coverage area. He explained due to access issues, Nevada Power required the towers to be located as close to the perimeter of the site as possible, so use of the substation was not limited. The set-back issue was from Pecos Park and Sunrise Canyon Park and Terra Cinda Park because they were part of PUD's, which causes the residential set-back requirement. He pointed out, the actual distance from any residential lot was 383 feet to the north and the distance from the nearest residential lot to the south was 395 feet. He noted if the tower was moved 27 feet to the west and 50 feet in, but, when that was done, the distance to one of the residential lots went down by 50 feet. He showed some photos of the site, which showed existing towers that were approximately 120 feet tall and were 75 feet from the property lines. He suggested the cell tower remain as a tower and not a tree, as it would blend in with the existing poles around the site. Metro PCS also wanted to locate on the tower and if it was built as a mono-palm, they would not be able to. Mr. Cline also spoke about the off-sites and explained it would be extremely expensive. Nevada Power would not put in the off-site, as the rent the tower would generate would not make it cost effective and if the applicant was required to put in the off-sites, they would not be able to go ahead with the tower. He asked that the application be approved without the requirement for a mono-pine and the off-sites and asked for Public Works to explain Condition No. 5.

Jennifer Doody of Public Works stated Condition No. 5 could be deleted.

Chairman Steve Brown asked how far the tower was from the block wall on Azure Avenue. Mr. Cline responded the walls had been set back to allow for the off-sites, but the tower would be located approximately 23 feet from the wall and was designed for four carriers.

Chairman Brown asked if Nevada Power would be required to make all of their poles look like palm trees, or if the applicant would be required to plant palm trees.

Commissioner Harry Shull did not have a problem with the set-backs, but he did want a stealth tower. He was not an advocate of the palm trees, but he did like the pine tree, like the one located at Simmons Street and Craig Road, which had multiple users.

Commissioner Trivedi agreed with Commissioner Shull and would also recommend a pine stealth tower.

Commissioner Jay Aston asked Staff if they were requesting off-sites on the full 30' of Azure Avenue. Mr. Kus responded that was correct.

Commissioner Aston verified Staff was also asking for a spandrel at Centennial Parkway and Pecos Road. Mr. Kus responded that was correct; it was the corner portion with the radius on the corner.

Commissioner Aston understood why the City wanted to get rid of the saw tooth situation, but did not want to see someone already existing on a property, who did not have to help with it and the next person with an application have to absorb the whole cost. He agreed with Commissioner Shull on the set-backs and design of the towers.

Chairman Brown indicated Nevada Power would be responsible for the half street improvements as they were the owner of the property.

Commissioner Aston felt Verizon Wireless was the applicant, so they would be responsible for the off-sites and asked if that was correct.

Mr. Cline explained he understood the condition to read that the responsibility for the off-sites would be Nevada Power, as Verizon Wireless would not spend 1 Million Dollars for the off-sites; but, Nevada Power also would not spend 1 Million Dollars for Verizon to have a cell tower that pays them \$25,000 per year. With the condition, it would make it impossible for Verizon to install the cell tower.

Nick Vaskov, Deputy City Attorney explained there was a timing problem with the off-sites. Generally they were obtained at the time of development, but that did not happen. He thought the site was older, which was why the off-sites were not obtained when the site was developed. He understood, because the area was industrial, they could probably build out the rest of the site that they have more development potential on it without coming for another development application, other than building permits.

Chairman Brown did not feel the off-sites should be leveraged with the application; but, how would the City get Nevada Power to put in the off-sites. He asked if there was a code requiring Nevada Power to install the off-sites.

Mr. Jordan stated Nevada Power took Staff on a field trip to view their stations and prior to any development ever occurring in that area, they visited the site and at that time, it was hoped that some day Nevada Power would be required to bring the site up to code. If Nevada Power were to try to expand, the zoning ordinance would require off-site improvements as required by the Director of Public Works. As part of the building permit they would be required to do the off-site improvements. The block wall was done by the home builder to help them sell their product. Nevada Power had been warned Staff would be trying to get the off-sites completed.

Commissioner Aston recommended leaving the condition requiring the off-sites, and if Nevada Power failed to cooperate, Verizon could come back to the Planning Commission for a review. He asked Staff if the application could be conditioned to allow the applicant to come back for a review of the condition if Nevada Power refuses to put in the off-sites.

Jennifer Doody of Public Works stated the words "or as otherwise approved by the Director of Public Works" could be added, so if it got to the point where Nevada Power was refusing to put in the off-sites, the Director of Public Works would have the power to waive the condition.

Mr. Cline asked for clarification. Chairman Brown explained, if Nevada Power was not cooperative in putting in the off-sites, Verizon could appeal to the Director of Public Works.

Mr. Cline indicated Verizon had discussed the off-site issue with Nevada Power, who informed them it was not in their budget and did not intend to install them. Mr. Cline felt if the condition remained, it would not be possible to build the tower.

Commissioner Aston asked Staff if there was another way to make Nevada Power responsible for the off-sites, possibly through the building permit process.

Mr. Jordan, responded at this time, there was not another way, but there were other alternatives, but they were separate from this application. He explained the language being added to the condition would allow flexibility that the conditions could be administratively waived without the applicant coming back to the Commission and if for any reason there is no movement on the part of Public Works, the applicant has the ability to come back and ask for the application to be amended and the condition reviewed.

Commissioner Aston felt amending Condition No. 4 was the best way to let Nevada Power Company know the off-sites were required.

Commissioner Ned Thomas asked if there was a compromise that could be made to make the off-sites more affordable. He felt landscaping along the street would go further to improving the street and the neighborhood than just landscaping the tower. He suggested the applicant put in half-streets improvements along Azure Avenue, including landscaping that would beautify the entire site, rather than asking for a stealth tower.

Commissioner Aston understood the off-sites were only being requested on Azure Avenue and a spandrel on Centennial Parkway and Pecos Road.

Chairman Brown asked for clarification that the off-sites were 30' on Azure Avenue was in the width of the street.

Ms. Doody responded that was the half street and they were requesting the full length on Azure Avenue, which was 1300 feet.

Commissioner Dean Leavitt stated if the applicant was intending to co-locate multiple users on the site, it was pointless to ask for a mono-pine or palm tree. If the application was approved, it should be considered to have a tower where other companies could co-locate, which would save the City a lot of headaches and would enhance the revenue for Nevada Power, which may give some leverage in getting the off-sites completed.

Commissioner Harry Shull suggested changing the location of the tower to the corner and require landscaping along the front and extend the improvements that were currently done and leave the burden on Nevada Power when they come back to pull any permit on the site and require them to finish the improvements.

Mr. Cline explained the reason Nevada Power asked them to locate where they were, as opposed to the corner, was because there was a transmission line and there might be a plan to extend it along the property line.

Chairman Steve Brown opened the Public Hearing. The following participant came forward.

- **Antonio Gabarre, 3713 Raven Peak Avenue, North Las Vegas, NV 89081** was opposed to the application as it would be in direct view from his property.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 5 AND CONDITION NOS. 3 AND 4 AMENDED TO READ:

3. A STEALTH TOWER INCLUDING ARCHITECTURAL ELEMENTS, AND TOWERS DESIGNED AS A PINE TREE IS REQUIRED.
4. 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. 30' ON AZURE AVENUE AND ASSOCIATED SPANDREL
 2. SPANDREL AT CENTENNIAL PARKWAY AND PECOS ROAD,

OR AS OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC
WORKS.

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

There was a break in proceedings at 7:47 p.m.

The meeting reconvened at 7:59 p.m.

11. UN-44-08 (35046) CENTENNIAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF CENTENNIAL VILLAGE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-24-414-001.

The application was presented by Marc Jordan, Planning Manager who explained Staff had no objection; however, Staff was recommending the application be continued due to the elevations. The applicant did not submit a drawn set of elevations but gave photographs of existing Carl's Jr. establishments and it was difficult for Staff to determine if the elevations comply with the Commercial Design Guidelines and that it would match the existing center. There was a site plan review approved on the site which showed a different type of elevation. In reviewing what was submitted, that elevation does not meet the Design Standards, so Staff was recommending UN-44-08 be continued to allow the applicant to submit elevations for review.

The applicant was not present for comment.

Chairman Steve Brown asked Staff the length of time of continuance.

Mr. Jordan responded 30 days should be sufficient.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Aston

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

12. UN-46-08 (35057) CRICKET RETAIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SOO YUM KANG, ON BEHALF OF VERNALIS ENTERPRISES INC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW RETAIL SALES OF WIRELESS ACCESSORIES. THE PROPERTY IS LOCATED AT 2575 EAST CRAIG ROAD, SUITE E. THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-007.

The application was presented by Robert Eastman, Principal Planner who explained the proposed use was located in the industrial M-2 development that has been slowly changed into commercial retail along Craig Retail east of Losee Road. The site was developed as an industrial development and was in compliance with industrial and the parking standards were as office warehouse, with the additional retail stores, the center is no longer in compliance with the parking standard for the uses that were proposed; therefore, since the parking standard was not in compliance, Staff was recommending UN-46-08 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 minimum of 135 parking spaces shall be provided unless a supporting parking study is submitted for review and approval of the Traffic Engineer.
4. That all loading and unloading of merchandise take place at the rear of the building. Retail purchases may be carried out the front door.
5. That outdoor displays shall be prohibited.
6. The applicant shall apply for a change of occupancy through the Permit Application Center prior to occupying the suite. Any plans submitted to the City for remodel shall fulfill this requirement. Should the previous occupancy and proposed occupancy be the same, this condition will not apply.

Soo Yum Kang, 6624 Trumpeter Street, North Las Vegas, NV 89084 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Brown asked the applicant if he understood the building was designed for industrial use.

Mr. Kang stated he understood and explained there were several retail stores already in the center and there was not much traffic and he did not feel there would be a problem opening a cell phone store at that location as it would not generate much foot traffic and the parking lot was usually empty in that location.

Chairman Brown asked Staff how many parking spaces were required for the use.

Mr. Eastman responded approximately five spaces were required for the proposed use.

Chairman Brown asked how many spaces were currently in the center.

Mr. Eastman responded there were currently 113 spaces.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

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

NAYS: Chairman Brown

ABSTAIN: None

Item No. 18 was heard next.

13. **ZN-12-08 (35049) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-2, GENERAL COMMERCIAL DISTRICT TO A C-3, GENERAL SERVICE COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010.**

Item Nos. 13 through 17 were heard together.

It was requested by the applicant to continue ZN-12-08 to June 11, 2008.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

14. **VN-07-08 (35048) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) TO ALLOW A ZERO FOOT BUILDING SETBACK FROM A RESIDENTIAL ZONE BOUNDARY WHERE 30 FEET IS THE MINIMUM REQUIRED; A ZERO FOOT FRONT BUILDING SETBACK WHERE 30 FEET IS THE MINIMUM REQUIRED; AND A FIVE (5) FOOT PARKING LOT SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010.**

Item Nos. 13 through 17 were heard together.

It was requested by the applicant to continue VN-07-08 to June 11, 2008.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

15. **SPR-19-08 (35047) BROADACRES OPEN AIR MARKET. AN APPLICATION ON BEHALF OF BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) FOR AN EXPANSION TO AN EXISTING SWAP MEET CONSISTING OF A 6,000-SQUARE-FOOT-BEVERAGE/RESTROOM BUILDING; AN ADDITIONAL PARKING AREA; AN ENTERTAINMENT VENUE; AND ADDITIONAL FOOD STALLS. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010.**

Item Nos. 13 through 17 were heard together.

It was requested by the applicant to continue SPR-19-08 to June 11, 2008.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

16. **UN-43-08 (35039) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) TO ALLOW THE EXPANSION OF AN EXISTING SWAP MEET. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010.**

Item Nos. 13 through 17 were heard together.

It was requested by the applicant to continue UN-43-08 to June 11, 2008.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

17. **UN-45-08 (35044) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) TO ALLOW AN OUTDOOR STAGE/AMPHITHEATER AND OUTDOOR RECREATION FACILITY. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010.**

Item Nos. 13 through 17 were heard together.

It was requested by the applicant to continue UN-45-08 to June 11, 2008.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

18. **SPR-14-05 (34848) MARCELLO MARKETPLACE. AN APPLICATION SUBMITTED BY CARL D. MARCELLO ON BEHALF OF CLARK COUNTY DEPARTMENT OF AVIATION & MARCELLO AIRPORT CENTER LLC LEASE, PROPERTY OWNERS, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT CONSISTING OF APPROXIMATELY 149,036 SQUARE FEET OF COMMERCIAL/RETAIL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF RANCHO DRIVE AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-18-411-002, 139-18-411-003 AND 139-18-411-004.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed site plan was a condition of approval with one of the associated use permits, specifically for the payday loan use. The site was under development and a number of the buildings have already constructed and the applicant was proposing some slight changes, which increase the size of the site slightly to 149,000 square feet, which was a 14,000 square foot increase; however, the site was still in general compliance with the overall design and theme previously approved; therefore, Staff was recommending that SPR-14-05 be approved; however, the applicant changed the site slightly eliminating some of the trash enclosures which Staff was not supporting and have amended some of the previously approved conditions to address that issue to ensure compliance with the Design Standards was met. 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 the development shall comply with the Commercial Development Standards and Design Guidelines including but not limited to the following:
 - a. Landscaping islands shall be provided for every 15 parking spaces.
 - b. Additional refuse collection areas shall be provided subject to staffs review and approval.
 - c. The bulk of Pad 8 shall be reduced by providing a pedestrian plaza.
 - d. Architectural embellishments shall be added to the western elevation of buildings along Rancho Drive.
 - e. Architectural design, materials and colors shall coincide with Building 1.
3. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
4. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Rancho Drive and Carey Avenue.

5. Right-of-way dedication for a flared intersection is required at Rancho Drive and Carey Avenue per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
6. Right-of-way dedication and construction of a CAT bus turn-out is required on Rancho Drive near Carey Avenue per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
7. The driveway access to Carey Avenue is subject to the review and approval of the City Traffic Engineer and must meet the standards set forth in the North Las Vegas Municipal Code.
8. The number of driveways and their locations along Rancho Drive are subject to the review and approval of the Nevada Department of Transportation.
9. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standards Drawing* numbers 222A and 25, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
10. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
11. 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.
12. City of Las Vegas (CLV) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
13. Nevada Department of Transportation concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. The property owner is required to sign a restrictive covenant for utilities.
16. The property owner is required to grant a pedestrian access easement for sidewalks within any common element.
17. A revocable encroachment permit for landscaping within the public right of way is required.

18. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
19. A valid FAA form 7460-1 "Notice of Proposed Construction or Alteration" or a "Property Owner's Shielding Determination Statement" shall be filed.

The applicant was not present for comment.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

19. SPR-16-08 (35028) 2202 BASSLER TOWNHOMES. AN APPLICATION SUBMITTED BY MANUEL ARMANDO MONARREZ, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A WAIVER FROM THE MULTI-FAMILY DEVELOPMENT STANDARDS REQUIRING TRASH ENCLOSURES. THE PROPERTY IS LOCATED AT 2208 BASSLER STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-110-172 AND 139-24-110-173.

The application was presented by Terence Capers, Planner who explained the applicant intended to develop a townhouse, fourplex on the western most parcel of the site at the corner of Bassler Street and Judson Avenue. The fourplex identified on the site does not comply with the requirements for that type of development. Townhomes require a two car garage for each unit and a fourplex was required to provide a minimum 400 square feet of open space. It does not appear that the proposed vacant parcel could be developed with more than three townhomes. The proposed four unit townhome complex was required to comply with the Multi-Family Development Standards, the R-3 Multi-Family Residential District Requirements, Parking Requirements and Section 17.24.140.B.2, which required a two car garage for each unit. After discussions with the applicant, it was suggested that the number of units be reduced to three. The applicant was not agreeable to amending the plan and requested that it be heard by the Planning Commission as submitted. The proposed four unit townhome development does not comply with the parking requirements, 20 x 20 garage per unit, a minimum 2400 square feet of open space per unit, a minimum of 50 feet from developed single-family property line, a minimum 10 foot landscape buffer adjacent to the interior property lines, a required trash enclosure, and a minimum of 15 feet, which may include a sidewalk between back of curb and a perimeter wall fence along Bassler Street and Judson Avenue. Staff understands the project would be considered an in-fill site; therefore, Staff could support certain waivers, but waivers for the parking requirements were not allowed through the site plan review process. There have been other developments in the community that have been treated as in-fill where the applicant has complied, and even reduced the density. Staff could support a waiver to lessen the 50 foot buffer and a waiver of the trash enclosure requirement, but Staff has not in the past, and cannot support the waivers of open space or parking requirements. In an effort to provide a solution to develop the subject site, assuming the same building footprint, Staff recommends that the site be developed with not more than three townhomes, which would allow for the space necessary for the two car garage and bring the project into compliance with the minimum open space requirement. It would also reduce the number of driveways and vehicles backing onto Bassler Street from 9 a.m. to 7 p.m. Public Works has added a condition that the site comply with the Commercial Driveway Standards of Clark County area Uniform Standard Drawing Nos. 22A and 225. In order to comply, the applicant would need to revise the site plan; therefore, Staff was recommending that SPR-16-08 be continued to allow the applicant to revise the site plan to identify three or less units and identify compliance with the parking and open space requirements.

The applicant was not present for comment.

Chairman Steve Brown suggested an indefinite continuance.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

20. SPR-18-08 (35032) MORTON'S FLYING J TRAVEL PLAZA. AN APPLICATION SUBMITTED BY THOMAS B. COTRELL ON BEHALF OF MORTON'S INVESTMENT GROUP LP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT FOR A WAIVER FROM THE SIGN DESIGN GUIDELINES TO ALLOW AN ELECTRONIC MESSAGE BOARD TO EXCEED 50% OF THE SIGN AREA. THE PROPERTY IS LOCATED AT 1000 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-403-005.

The application was presented by Terence Capers, Planner who explained electronic message boards could not exceed the maximum area of 100 square feet and/or 50% of the sign area. The applicant was requesting a waiver to increase the electric sign area to 69%. The existing freestanding sign was approximately 863 square feet and has 263 square feet of message board, which was installed prior to the adoption of the current sign ordinance. The existing sign was a legal non-conforming sign; however, the proposed sign would reduce the total square footage of the sign to 772 square feet with 316 square feet of electronic message board which reduced the nonconformity by 10 ½ percent. Staff was recommending that SPR-18-08 be approved subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. A casing around the poles must be installed and be shall be consistent with the preferred building materials, style and texture of the existing building, subject to staff review and approval.
3. The electronic message board shall not exceed 316 square feet in size.

Brent Smith, Young Electric Sign Company, 5119 South Cameron Street, Las Vegas, NV 89118 appeared on behalf of the applicant indicating the only issue he had was with the casing around the poles. He showed a rendition of what he thought Staff was requiring.

Mr. Eastman explained it was preferred that the poles be encased in a pylon so that more of the base was covered. Possibly a wainscoting that would match the building that was currently being remodeled and built, could be incorporated into the base of the sign or around the poles and creating a planter area, which under normal circumstances was what was required in Code.

Commissioner Ned Thomas thought the sign was very large and the corner was busy and not very attractive and felt the sign could be made more attractive. He suggested the bottom have some type of box and a design between the poles, possibly an arch or architectural feature that tied it to the building.

Commissioner Jay Aston suggested framing and stuccoing the bottom and coming half way up that portion with some stone, which would tie it into the architecture of the building.

Mr. Smith asked if the design could be approved at Staff level.

Staff noted that was one of the conditions of approval.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

21. **UN-29-08 (34483) CONSTRUCTION OFFICE TRAILERS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FREHNER CONSTRUCTION COMPANY, INC. ON BEHALF OF GARNERTEE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW FOUR (4) TEMPORARY OFFICE BUILDINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND DONOVAN WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-203-002, 139-01-302-002 AND 139-01-302-003. (CONTINUED APRIL 9, 2008)**

The application was presented by Terence Capers, Planner who explained the facility would operate through August, 2009. There was a Notice to Comply issued by the Building and Safety Division because the temporary trailers were on the site without appropriate building permits or special use permits and did not comply with numerous applicable codes and ordinances. There were 45 parking stalls provided with measurements of 12' x 14', which do not meet the minimum dimensions of 9' x 18' for standard vehicles. There was also a memorandum from the Public Works Department with concerns about the removal and relocation of trailers indicated as the laboratory of materials as it crossed property lines and access to the trailers and parking areas must be paved. To bring the site into compliance with Building regulations, the Building and Safety Divisions require that necessary building permits be obtained, which would be providing trailer tie downs and indicating utility connections. The Fire Department also expressed concerns with the site design. According to the Fire Department memorandum, fire access lanes were not indicated on the site plan; therefore, a revised site plan was necessary showing the fire access lanes and turning radii. Staff was recommending UN-29-08 be continued. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The temporary (building) use of this site shall expire April 9, 2010.
3. Parking stalls shall comply with the standard requirement of 9' by 18'.
4. Due to the size of the site, this development may be eligible for a drainage study waiver. Please fill out and submit waiver application to Public Works Development & Flood Control Division (Mark Escobedo @ 633-1912 or Kent Chang @ 633-2771). Applications may be found on the City of North Las Vegas website: <http://www.cityofnorthlasvegas.com/About/Forms.shtm>

5. Paved access shall be provided to the trailers. The access road must conform to *Clark County Area Uniform Drawing* Number 209.
6. Paved parking shall be provided for trailers.
7. Plans shall show all existing easements with associated document information.
8. The property owner is required to grant or acquire roadway easements, or demonstrate how parcels are to be legally accessed.
9. Plans shall be revised to remove trailers situated on parcel lines or file appropriate mapping removing property lines.
10. Application does not include APN 139-01-203-002; if parcel is to be used for access other project use, then amend application to include same.
11. The following comments may not be all inclusive and upon review the Building Safety Division may have additional requirements:
 - a. Obtain all necessary building permits.
 - b. Provide 5 sets of plot plans
 - c. Provide the trailer tie down requirements.
 - d. The trailers shall have a current State Placard for approval.
 - e. Indicate the utility connections.
 - f. The offices will require full accessibility per the 2006 IBC chapter 11 and the 2003 ICC/ANSI A117.1.
12. Fire access lanes shall be located in accordance with Fire Code requirements.
13. Fire access lanes shall be designed in accordance with Fire Code requirements.
14. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
15. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

Mark Miller, Frehner Construction, 4040 Frehner Road, North Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation. The applicant was prepared to address and agree to all recommendations by the various departments. The site plan would be updated to show paved parking and access to the site from Berg Street, which was a dedicated construction easement acquired by the City of North Las Vegas to facilitate the project. There would also be fire access to the site. The

parking plan would be updated to show the 9' by 18' spaces. The site plan was originally proposed with 45 spaces and was amended to 18 spaces, which would provide ample parking for staff who would be using the offices. The site was a hub for the I-15/Craig Road civil improvements project being done by Frehner Construction. Building permit applications would be submitted and comments regarding the site plan would be addressed. He asked for clarification regarding the drainage study, indicating the site was for temporary construction trailers and the job should be completed by August, 2009 and they were not proposing to change any of the site grades or construct any buildings.

Ms. Doody explained the process was administrative and the applicant would need to fill out a form and a letter would be sent allowing the applicant to submit civil plans with the letter involved. There was no condition regarding a traffic study.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

22. UN-28-02 (34758) CENTENNIAL CROSSINGS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BELTWAY/I-15, LLC AND JV PROPERTIES 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 CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF INTERSTATE 15 AND 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-101-003, 123-28-101-004, 123-28-101-005 AND 123-28-101-006. (CONTINUED APRIL 23, 2008)

The application was presented by Terence Capers, Planner who explained the application was previously approved in April, 2004 and in April, 2006. Since the original approval in 2002, some of the development patterns and projects in the vicinity have changed; therefore, some of the reviewing department agencies have provided more current recommendations or conditions pertaining to the proposed facility and relevant to the current development trends. The Fire Department was now opposed to the application because the rapid commercial and residential growth of the City has significantly increased demands on emergency services. Based on recommendations from the Fire Department, Staff recommends denial of UN-28-02. Should the Commission determine approval was warranted, the following conditions are recommended:

1. That, unless otherwise approved through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines.
3. That the site plan and building elevations contained herein shall be considered "conceptual" and will require modifications to be in compliance with all applicable codes, ordinances and conditions.
4. That, if the desired building height exceeds 60 feet, then a separate special use permit shall be considered independently of this request.
5. That a phasing plan shall be submitted by the applicant, and reviewed and approved by staff prior to submittal of the civil improvement plans.
6. That all perimeter landscaping be installed with the first phase of development.
7. Semi-truck and Recreational Vehicle (RV) parking shall be provided on-site with reasonable access to the nearest signalized intersection or direct access route to/from the freeway system.

8. That subsequent expansion or additions to the use shall be subject to Planning Commission review and approval (Standard Condition # 10).
9. That the use permit is site-specific and non-transferable (Standard Condition # 12).
10. That technical design comments will be made at the time development plans are submitted (Standard Condition # 27).
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. A master transportation plan with modeling containing 20-year projections will be required prior to submittal of the civil improvement plans.
13. The civil improvement plans for the project shall include schedule 40 PVC fiber optic along Centennial Parkway and Christy Lane
14. 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.
15. The easterly driveway on Centennial Parkway shall be located midblock, approximately 660 feet from the intersection of Christy Lane, for full access, otherwise, the driveway shall be right in/right out.
16. The westerly driveway on Centennial Parkway shall meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130 and will be restricted to right-in/right-out.
17. 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. The median shall be landscaped via encroachment permit; maintenance of the landscaping will be the responsibility of the developer and at the expense of the developer. Additional landscaping may be required within the Christy Lane right-of-way. The landscape plan shall be subject to review and approval of the Department of Public Works.
18. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
19. North Belt Road shall be changed to Centennial Parkway.

20. Appropriate mapping is required to consolidate the parcels. 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 map approval. Conformance may require modifications to the site.
21. That UN-28-02 shall expire April 10, 2010.
22. 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.
23. 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.
24. A turn-key fire station, including associated vehicles, equipment, and all City required off-site improvements shall be completed to the satisfaction of the City and at the expense of the developer prior to Certificate of Occupancy for any hotel, casino or any high-rise on the proposed site. The station shall be built to the North Las Vegas Fire Department Station Design Standard, or other standard as approved by the Fire Chief. The station shall be furnished with a fire engine, a fire truck, and a rescue unit per the specifications of the North Las Vegas Fire Department. The land, building, and equipment for the station shall be deeded to the City of North Las Vegas. The site for the station shall be approved by the Fire Chief.
25. The property owner is required to grant a roadway easement for commercial driveway(s).
26. The property owner is required to sign a restrictive covenant for utilities.
27. A revocable encroachment permit for landscaping within the public right of way is required.
28. All off-site improvements must be completed prior to final inspection of the first building.
29. 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.
30. The developer is required to construct a raised median with in Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawings* numbers 218 and 219 "A" type island curb.

31. Right-of-way **dedication and construction** of a flared intersection, including a right turn lane, is required at Centennial Parkway and Christy Lane per the *Uniform Standard Drawings for Public Works' Construction Off-site Improvements* Drawing Number 201.1 and 245.1.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating this was the third extension of time. Since the application was continued from the April 28, 2008 Planning Commission meeting, the National Guard was met with and their concerns were taken into consideration. She does not feel the National Guard agrees with the amended Condition No. 24 they were proposing. The extension of time and site plan that was being presented, would probably not be the site plan that was ultimately built. That site plan would come at a later date when there was an operator ready to actually construct a casino on the site. The proposed conditions indicate when it was known how the site would be designed, there would be a public hearing and the applicant was aware they must work with the National Guard and they have met with them. The applicant agrees to work with the National Guard on the site plan. Ms. Lazovich offered a condition to be added to read: "Prior to any construction on the site, a Final Development Plan shall be approved by the Planning Commission at a public hearing." She addressed Condition No. 24 and explained Mark Farentino from her office submitted a condition for the Fire Chief to consider, as at this point it was not known what the casino would look like or the size of the building and they understand the Fire Department has concerns and wants some mitigation. She was proposing when it was know what the final site plan would look like and they had an operator, they would come before the Planning Commission to determine the impact. She asked that the current Condition No. 24 be deleted and replaced with a condition to read: "The Final Development Plan approval for this site shall contain a condition requiring the developer to provide measures to mitigate its impact on emergency services to the satisfaction of the Planning Commission." She asked for approval with the requested changes.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Lieutenant Colonel Enrique De La Paz, 2460 Fairview Drive, Carson City, NV 89701** was opposed to the construction of a casino on the proposed site. He met with the applicant's representatives; but, they have a difference of opinion that were difficult to deal with. The applicant was looking to increase the value of their property, which he understood. The National Guard was looking for training and wanted to maximize the little time they had. The area for training in Nevada was sparse and most training was done outside of the State and he felt it was imperative to maintain the ability to train on the 1600 acres they presently had. With the

building of the casino, he was concerned with mission impact and if they would be able to train 24/7 without receiving complaints and Anti-terrorist Among Force Protection (ATFP), which was a real threat to the Nevada National Guard. It would be very easy for someone to rent a room and have a perfect view to see how training was done, which would aide the enemy to plan an attack or use the information overseas. There was also a safety issue. He was concerned about the safety of the public. A casino was not compatible with the area and the type of training the National Guard was using.

- **Major Clayton Chappell, 2460 Fairview Drive, Carson City, NV 89701** indicated there was also a traffic issue. The entryway was weak, as far as the queuing that could potentially happen with the amount of traffic that would be generated with a casino. Security to a casino was much different than the security from a National Guard standpoint. Their security was to protect the Guard to be able to accomplish their mission. When the property was originally acquired in the 90's, it was his understanding that it was surrounded by industrial zoning and has changed since then.

Chairman Steve Brown asked if the National Guard did live firing. Lieutenant De La Paz responded they did not have live fire on that site but to the north, there were some ranges that were shared with Nellis Air Force Base where there was small arms fire. He explained there was a course called Tank Commanders Group of Proficiency Course (TCPC) where track vehicles were taken through a course and at various points on the course there were firing positions. Much of that type of training was done at night to maximize training using nighttime devises. Major Chappell also explained night vision goggles were being used and the additional light would detract from the opportunity for that type of training.

Chairman Brown asked what a private landowner could build that would not pose a problem for the National Guard. Lieutenant De La Paz responded the proposed site was zoned for Light Industrial, which they had no issues with, as it was compatible with their operations. A casino with a tower, where there could be observation of training maneuvers was not compatible and could be dangerous. He understood measures could be taken to mitigate some of their concerns. He indicated The Focus Group was planning to sell the property after the rezoning and the proposed language was not strong enough.

Chairman Brown asked if the extension of time was not approved, the project would die, as the project was not built within the time frame allotted. Marc Jordan, Planning Manager responded that was correct. Chairman Brown asked if the extension of time was approved, if the project was not built within two years, the applicant would need to apply for another extension. Mr. Jordan responded the applicant could request an extension of time.

Lieutenant De La Paz pointed out the same issues would be brought up with the Miller Casino and he was afraid the extension of time made it easier for the Miller Casino to argue the same point and was concerned at what point the issues would be solved.

Commissioner Ned Thomas felt the issues of encroachment and negative impacts to the National Guard were very real and serious and that the National Guard had been there for a long time. There was an increase in casino sites in that area of the City. He stated the issue was whether the City of North Las Vegas wanted to have casino alley at one of the prominent gateways to the City, along I-15 and the 215 Beltway. He was opposed to that area becoming casino alley. He was not opposed to casinos, but felt the proliferation of casinos in the City in the proposed area had gone far enough and felt the City should look at whether or not a casino was appropriate for the area.

Chairman Brown closed the Public Hearing.

Ms. Lazovich explained when the National Guard developed their property for more active training, there would be barriers on their property to prevent someone from watching, from the road, what was taking place on the property. She understood the issues raised, and the National Guard pointed out, they could see that person, but were worried about the person who could be in a hotel room that could not be seen watching them that they were not aware of. The applicant's response was that the hotel tower could be designed in a way where there would not be windows facing the training area; but, that got to specific details on a site plan, which were not available at this time. She explained casinos were part of Nevada and she felt you could make arguments about where casinos were appropriate but along I-15 and the 215 Beltway, they were appropriate.

Commissioner Jay Aston asked the location of the National Guard in relation to the proposed casino site. Ms. Lazovich pointed out the location, which was to the north. Commissioner Aston asked if the National Guard were to request that the casino be pushed closer to the North Belt Road and the actual hotel moved more to the south, if the applicant would be willing to consider the request. Ms. Lazovich responded they would and the applicant would be willing to consider designing it not only pushing it and they would be willing to work on the windows not facing north. Commissioner Aston asked if those issues could be addressed before the site plan was submitted. Ms. Lazovich responded they could. Commissioner Aston explained one of the biggest issues was with the Fire Department and felt the applicant and the National Guard could work together on the development. Commissioner Aston did not understand the Casino having to shoulder the complete responsibility of the fire station and asked if some of the other developers in the area would be contributing. Mike Steele of the Fire Department explained the applicant met with the Fire Chief and at that meeting, the proposed language was given to the Chief and at that time he learned the Chief declined, and asked that the original language be kept in the recommended conditions. As for the extension of time, administration has changed

since the previous extensions of time and he did not know the philosophy used in the recommendation. Chief Gillespie had taken the stance that the permit had expired and the growth of the City over the past four or five years has caused a strain on the Fire Department. At the meeting with the applicant, they were directed to possibly meet with the Miller Hotel Casino, which would be heard in a couple of weeks, and see if they could arrange some sort of cautionary agreement prior to this meeting, or if they could not come up with an agreement, to accept the language as it was written with the understanding, should they come to an agreement down the road, the Fire Department would be willing for the applicant to come before the Commission again and have the conditions amended.

Chairman Brown asked if there was a proposed fire station across 215 around Range Road. Mr. Steele was not aware of it.

Commissioner Dean Leavitt was sympathetic to the National Guard and understood the challenges to be able to provide training and also understood that casinos have been and probably would be a part of the State as long as it existed. The challenge was deciding what to do and he felt the applicant's proposed conditions gave the Commission room to concentrate, look and plan for the future and was in support.

Chairman Brown explained the application was a use permit, which allowed a casino and the GED process had already been accomplished and approved. The use permit did not allow a 90 story building or have flood lights aiming at the National Guard area, the site plan came later and he was in support of the extension of time with the understanding that the National Guard's input was necessary for the site plan review and it should be noticed as a public hearing when the site plan application was submitted. Chairman Brown asked Staff if the conditions of the use permit were binding on the site plan review being noticed as a public hearing. Mr. Jordan responded the conditions placed on the extension of time, if it was approved, went with the land, so if it was sold, the purchaser would have to abide by the approved conditions.

Commissioner Dean Leavitt believed that on behalf of the National Guard that the applicant would be more than happy to work with them prior to them coming before the Planning Commission for approval. The applicant could have a mutual agreement and assist the National Guard with some of their planning in the interest of being good neighbors.

Commissioner Ned Thomas asked the City Attorney the purpose of the Gaming Enterprise District legislation when it was originally approved. Nick Vaskov, Deputy City Attorney explained the GED requirement, called SB-208, was an effort on the part of the legislature to avoid what had been brewing around urbanized areas with conflict between casinos and residential areas. It did not address other uses like industrial uses but was aimed at the neighbors and whether casinos were appropriate near neighborhoods and in what circumstances. Chairman Brown clarified the distance separations were set up based on churches, schools, and houses.

Commissioner Dilip Trivedi asked why the National Guard did not come forward on the original application. It was explained they had not been notified. Commissioner Trivedi asked if the application was approved, if the impact fees would be delayed and asked if later, the applicant would be required to provide a second fire station. Deputy City Attorney Nick Vaskov explained when a development was considered, it was determined what type of effect it would have on the community, road capacity, utility needs and police and fire. The Fire Department has looked at the application and determined that based on their knowledge of the existing circumstances and existing infrastructure, that the addition of the development would strain their resources to such a degree that additional resources were necessary. The time to make the determination was both now, at the time of the use permit, because it authorized the development at some point, and the needs may be further refined at the final development plan or site plan review. With this application based on the Fire Department's knowledge and needs, a fire station was necessary.

Chairman Brown asked if the condition could be amended to allow the Fire Chief to make the final decision, so that if the Miller Casino was approved, there could be negotiations and the Fire Chief could approve or disapprove the outcome. Mike Steele of the Fire Department responded he spoke to the Chief before the meeting, and he indicated if the applicant was willing to replace "to the satisfaction of the Planning Commission" with "to the satisfaction of the Fire Chief" he would accept the amendment to the condition.

Lieutenant De La Paz explained if the application was approved, he did not feel comfortable with the proposed language and wanted to be sure the National Guard was involved in the early stages of planning the site, so there would not be a conflict that would cost hundreds of thousands of dollars after planning and architectural design were completed. The issues must be worked out in the early stages of design. Chairman Brown explained for the Miller Casino, they were in on the ground floor but on this application they had the ability to have some input on the site plan.

Commissioner Trivedi asked if a height restriction could be placed on the use permit. Robert Eastman, Principal Planner responded a height restriction could be placed on the use permit. Currently, in Condition No. 4, it allowed, based on current conditions on a maximum building height of 60 feet.

Chairman Brown asked Lieutenant De La Paz the maximum height they considered allowable. Lieutenant De La Paz responded one story was great, but he would like to discuss the issue with their force protection manager as it depended on the location of the building and orientation of the windows. He asked for time to discuss the issue with their force protection in order to give a concrete answer. Chairman Brown responded maybe this was not the appropriate time for a height restriction, as the application would have to be continued and asked if a continuance would affect the extension of time. Mr. Eastman responded if the application was continued, it would not affect the extension of time.

Ms. Lazovich explained the point of the additional two conditions was because there were so many factors that went into the height and the position of the buildings and that was the whole point of the site plan review. She feared that if the application were continued to discuss the height and placement issues, she would be at the same place in two weeks, with a condition that states the application was not at that point yet, but when they get there, they will be at a public hearing before the Commission and the National Guard would be noticed and they would not be on opposite sides on the Final Development Plan.

Mr. Eastman explained since the property was in the C-2 District, they would be governed by the height requirements of the C-2, which was 60 feet. Condition No. 4 could be deleted and the maximum building would be 60 feet, which was governed by Code.

Chairman Brown asked the applicant to read the requested amendments to the conditions.

Ms. Lazovich asked that Condition No. 24 be deleted and replaced with the following language: "The final development plan approval for this site shall contain a condition requiring the developer to provide measures to mitigate its impact on emergency services to the satisfaction of the Fire Chief." She asked that Condition No. 32 be added to read: "Prior to any construction on the site, a final development plan shall be approved by the Planning Commission at a Public Hearing."

Commissioner Trivedi asked if the National Guard could be made a party to the application. Mr. Jordan responded the requirement was already in Nevada Revised Statutes, (NRS). He explained when the application was noticed, they would go out at least 500 feet and the National Guard was across the street, so they would be noticed, but there was also an NRS provision that required, anytime a military installation was within 3000 feet, they must be sent a separate letter, which would be done at the same time the public hearing notice was sent out.

Commissioner Thomas asked for a condition that stated the developer would work with the National Guard to mitigate any adverse impact on the National Guard site. Ms. Lazovich had no problem with a condition to that effect. She added a condition that said: "Developer to work with National Guard on Site Plan."

Mr. Eastman read Condition No. 33: "Prior to approval of the final development plan, the applicant shall work with the Nevada National Guard and the City of North Las Vegas regarding design of the site."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 24 AMENDED AND CONDITION NOS. 32 AND 33 ADDED
TO READ:

24. THE FINAL DEVELOPMENT PLAN APPROVAL FOR THIS SITE SHALL CONTAIN A CONDITION REQUIRING THE DEVELOPER TO PROVIDE MEASURES TO MITIGATE ITS IMPACT ON EMERGENCY SERVICES TO THE SATISFACTION OF THE FIRE CHIEF.
32. PRIOR TO ANY CONSTRUCTION ON THE SITE, A FINAL DEVELOPMENT PLAN SHALL BE APPROVED BY THE PLANNING COMMISSION AT A PUBLIC HEARING.
33. PRIOR TO APPROVAL OF THE FINAL DEVELOPMENT PLAN, THE APPLICANT SHALL WORK WITH THE NEVADA NATIONAL GUARD AND THE CITY OF NORTH LAS VEGAS REGARDING DESIGN OF THE SITE.

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

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

Commissioner Dean Leavitt thanked Staff for allowing the Commissioners to attend the APA Conference and also thanked Commissioner Thomas for the time he served on the Commission and everything he learned from him.

Commissioner Thomas indicated he enjoyed serving on the Commission and also learned from his fellow Commissioners.

ADJOURNMENT

The meeting adjourned at 9:27 p.m.

APPROVED: June 25, 2008

/s/ Steve Brown
Steve Brown, Chairman

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