

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

July 9, 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: 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

WELCOME: Chairman Steve Brown

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

STAFF PRESENT: Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Naveen Potti, Planner
Bethany Sanchez, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Louise Steeps, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jay Aston

Election of Planning Commission Officers

ACTION: ANGELO CARVALHO ELECTED CHAIRMAN

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Chairman Angelo Carvalho presided over the remainder of the meeting.

ACTION: HARRY SHULL ELECTED VICE-CHAIRMAN

MOTION: Chairman Carvalho

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MAY 28, 2008.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF JUNE 11, 2008.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: Commissioner Aston

NEW BUSINESS

1. **AMP-08-08 (35792) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO INCREASE SEVERENCE LANE BETWEEN LOSEE ROAD AND STATZ STREET FROM A 60-FOOT RIGHT-OF-WAY TO AN 80-FOOT RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008.**

It was requested by the applicant to continue AMP-08-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

2. **VAC-07-08 (35796) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, TO VACATE ELKHORN ROAD BETWEEN LOSEE ROAD AND STATZ STREET; AND TO VACATE BERG STREET BETWEEN SEVERENCE LANE AND ELKHORN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008.**

It was requested by the applicant to continue VAC-07-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

3. **AMP-07-08 (35791) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED-USE NEIGHBORHOOD TO RESORT COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008.**

It was requested by the applicant to continue AMP-07-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

4. **ZN-20-08 (35795) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A CASINO/HOTEL. THIS PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008.**

It was requested by the applicant to continue ZN-20-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

5. **GED-03-08 (35793) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SPEEDWAY HOSPITALITY DEVELOPMENT, LLC ON BEHALF OF SPEEDWAY HOSPITALITY DEVELOPMENT II, LLC, AND SPEEDWAY HOSPITALITY DEVELOPMENT, LLC, PROPERTY OWNERS, FOR A PETITION TO ALLOW A GAMING ENTERPRISE DISTRICT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPERTY IS LOCATED EAST OF SHATZ STREET AND APPROXIMATELY 700 FEET NORTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-22-701-009, 123-22-801-020 AND 123-22-801-021.**

It was requested by the applicant to continue GED-03-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

6. **UN-64-08 (35794) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008.**

It was requested by the applicant to continue UN-64-08 to August 13, 2008.

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

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 13, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Item No. 18 was heard next.

7. UN-126-05 (35697) VALLEY COURT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VALLEY COURT LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A SUPPER CLUB. THE PROPERTY IS LOCATED AT 4318 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-401-021.

The application was presented by Marc Jordan, Planning Manager who explained this was the second request for an extension of time and would be valid for two years. The use was part of a PUD with a commercial development. A final development plan was approved for the site and Staff was recommending approval of UN-126-05 subject to the following conditions:

1. That UN-126-05 be subject to all applicable conditions of FDP-06-07 and ZN-49-02.
2. That the final development plan for the commercial center shall be subject to review and approval by the City Council.
3. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
4. That the use permit is site-specific and non-transferable.
5. That the applicant provide a graphic illustration that clearly indicates that no tavern is within 1,500 feet of the proposed establishment prior to issuance of a building permit. The illustration shall be created and stamped by a Nevada-licensed surveyor.
6. That the applicant provide a graphic illustration that clearly indicates that no child care facility that provides for more than 12 children or public park is within 400 feet of the proposed establishment prior to the issuance of a building permit. The illustration shall be created and stamped by a Nevada-licensed surveyor.
7. That the construction of the proposed supper club take place after, or in conjunction with, the construction of "Major (tenant) A", previously identified as a drug store. All associated parking and landscaping shall be provided at the time of construction.
8. That the required pedestrian plaza area(s) be constructed as part of the first phase of construction.

9. That a minimum twenty (20) feet of landscaping be provided between the residential and commercial portions of the PUD. Installation, ownership and maintenance of the landscaping shall be the responsibility of a property owner association(s) and/or the commercial center.
10. That the sidewalk adjacent to Ann Road, if not currently in place, shall be meandering and separated from the back-of-curb by a minimum five (5) feet of landscaping.
11. That the development of the shopping center be in conformance with the Commercial Design Standards.
12. That all screen walls, if not currently in place, and landscaping be provided as part of the first phase of construction.
13. That bicycle parking areas be provided in a manner so as not to interfere with pedestrian walkways or required landscaping.
14. That, if not currently in place, a screen wall (maximum eight feet in height) be provided along the northern and western property lines. The wall shall be decorative on both sides, except where it faces a residential alley. The design of the wall shall be complementary to the design of the shopping center and shall not be permitted to have any smooth-face CMU blocks.
15. That site plan approval is conceptual, subject to a final development plan and code requirements.
16. That this approval shall not constitute or imply approval of any privileged business license that may be required by the City.
17. That all conditions, stipulations and limitations be fulfilled and construction begun by May 22, 2010.
18. That windows be provided on the east-, west-, north- and south-facing walls that allow clear and unobstructed views into the interior of the establishment from outside, applicable only to public floor areas except the restrooms.
19. That restrooms be accessible from the dining area without having to go through any bar area.
20. That dining and waiting areas be separated from any bar area by an opaque wall with a minimum height of four feet.
21. That the supper club shall not exceed 4,992 total square feet (outside wall to outside wall).

22. That free-standing signage be restricted to monument-type and shall be part of the shopping center's overall approved sign program. The sign program for the shopping center shall be reviewed and approved by the City Council as part of the final development plan prior to application of a building permit or business license.
23. Fire access lane turning radii shall be designed and installed in accordance with the Fire Code.
24. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

James Lopez, 5096 West Post Road appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

8. UN-71-06 (35760) CANNERY CORNER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRITORY INC. ON BEHALF OF CANNERY CORNER LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (BANK). THE PROPERTY IS LOCATED AT 2520 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-210-005.

The application was presented by Marc Jordan, Planning Manager who explained plans had been submitted for the bank and Staff was recommending approval of UN-71-06 subject to the following conditions:

1. This development shall comply with all applicable conditions of SPR-31-05, T-1186 and SPR-29-06.
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. The special use permit is site-specific and non-transferable.
4. Pedestrian access from Craig Road shall be prohibited between the easternmost driveway on Craig and the proposed drive-through lane serving "Pad 1."
5. Pedestrian access from Craig Road shall be provided and aligned with the west-facing facade of Pad 1. The crossing of the drive aisle shall be clearly identified with stamped and textured concrete and/or pavers.
6. If the proposed bank is constructed prior to the construction of "Shops D" or any other portion of the shopping center, then a minimum 25 parking spaces shall be provided at that time. If the bank is constructed with "Shops D" and the rest of the shopping center, then parking shall be provided in accordance with code requirements.
7. Bicycle parking is required, but cannot be in-lieu of any required landscaping and cannot interfere with pedestrian access routes.
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. The property owner is required to sign a restrictive covenant for utilities.
10. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.

11. A revocable encroachment permit for landscaping within the public right of way is required.
12. Appropriate commercial subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
13. 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 adjacent to the property, existing or proposed, shall be placed underground.
14. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
15. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
16. 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.
17. Approval of a drainage study is required prior to submittal of the civil improvement plans.
18. 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.
19. 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.
20. Craig Road is a no cut street.
21. The applicant shall submit a traffic study update for review and approval.
22. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Losee Road and Craig Road.

23. Right-of-way dedication and construction of a CAT bus turn-out is required on Losee Road north of Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
24. 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.
25. UN-71-06 shall expire on July 12, 2010.

Jeanna Gaitan, 5785 Centennial Center Boulevard, Las Vegas, NV 89149 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

9. **VN-09-08 (35722) MILLER SUBSTATION EXPANSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NEVADA POWER COMPANY, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 14-FOOT-HIGH PERIMETER WALL, WHERE TEN (10) FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-15-401-009 AND 139-15-401-010.**

The application was presented by Naveen Potti, Planner who explained the variance would allow the applicant to provide better screening from the residential area. Staff was recommending approval of VN-09-08 subject to the following conditions:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances; and
2. Comply with the conditions of approval for SPR-21-08.

Michelle Baltz, Nevada Power Company, 6226 West Sahara Avenue, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown asked to see a rendering of the site.

Ms. Baltz showed the rendering on the overhead.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

10. SPR-21-08 (35724) MILLER SUBSTATION EXPANSION. AN APPLICATION SUBMITTED BY NEVADA POWER COMPANY, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE EXPANSION OF AN EXISTING SUBSTATION. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-15-401-009 AND 139-15-401-010.

The application was presented by Naveen Potti, Planner who explained Staff was recommending approval of SPR-21-08 with Condition No. 2.c amended to read: "A twenty (20) foot wide perimeter landscape area shall be provided next to Commerce Street and Carey Avenue. The only exception shall apply to the area of the existing substation and where a bus turnout lane is proposed, in which case landscaping shall be provided as shown on the site plan. This landscape area shall be planted with 24" box trees spaced at 10 feet on center in addition to the other ground cover requirements. Landscaping shall be subject to Staff review and approval. Condition No. 9 would be amended to read: "New commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* Numbers 226, with minimum widths of 20 feet as measured from face of curb to face of curb. (Additionally, the existing driveway on Carey Avenue shall be reconstructed to comply with this condition.)" Condition No. 12 was amended to read: "All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground, if adjusted or relocated." Condition No. 15 amended to read: "Fire access lanes and gates shall be designed per the Fire Code or as approved by the Fire Chief." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Commercial Design Guidelines and Development Standards, including but not limited to the following:
 - a. That landscape and irrigation plans be submitted for review and approval by the City of North Las Vegas prior to installation of any planting materials or irrigation system.
 - b. Provide a five (5) foot landscape buffer between the north property line and the perimeter block walls of the existing and proposed substations.
 - c. A twenty (20) foot wide perimeter landscape area with 24" box trees spaced at every ten (10) feet on center along Carey Avenue and Commerce Street in front of the walls must be maintained except for the portion of the proposed bus turn-out.

- d. All landscape areas must be planted with a minimum of 60% ground coverage that can be achieved within two (2) years from the time a final inspection is issued for the walls.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
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. Commerce St.
 - b. associated spandrels
5. Additional dedication and construction of a right turn lane on Commerce Street, as depicted on site plan, is required.
6. Right-of-way **dedication and construction** of a **CAT bus** turn-out is required on Carey Avenue west of Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue.
8. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
9. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 226, with minimum widths of 24 feet as measured from face of curb to face of curb. Additionally, the existing driveway on Carey Avenue shall be reconstructed to comply with this condition.
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. A revocable encroachment permit for landscaping within the public right of way is required.
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. The developer shall combine parcels 139-15-401-009 and 139-15-401-010 into one parcel prior to submission of civil improvement plans. If the developer does not combine the parcels, the developer shall provide a separate water meter and backflow prevention assembly for parcel 139-15-401-010 landscape.
15. Fire access lanes and gates shall be designed per the Fire Code.

Michelle Baltz, Nevada Power Company, 6226 West Sahara Avenue, Las Vegas, NV appeared on behalf of the applicant explaining Nevada Power Company held a neighborhood meeting with over 200 invitations sent out and the only person who attended was Councilman Robinson. She had contact with the neighbor to the north, Desert Mesa, who was in support of the application and had numerous conversations with Carrie Thomas, who represents the Regal Estates, who shared information with her neighbors and Ms. Thomas indicated they did not have any issues with the application. Ms. Baltz indicated she concurred with Staff recommendation.

Chairman Angelo Carvalho indicated the application was not a Public Hearing but did allow the following person to come forward:

- **Carrie Thomas, 305 Rossmoyne Avenue, North Las Vegas, NV** was encouraged by Michelle Baltz and her efforts to try to work in her neighborhood. She also commended Nevada Power Company for reaching out to the neighborhood and trying to do some beautification in the area. She asked what development was taking place in the Kyle Ranch area.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NOS. 2.C, 9, 12, AND 15 AMENDED TO READ:

- 2.C. A TWENTY (20) FOOT WIDE PERIMETER LANDSCAPE AREA SHALL BE PROVIDED NEXT TO COMMERCE STREET AND CAREY AVENUE. THE ONLY EXCEPTION SHALL APPLY TO THE AREA OF THE EXISTING SUBSTATION AND WHERE A BUS TURN OUT LANE IS PROPOSED, IN WHICH CASE LANDSCAPING SHALL BE PROVIDED AS SHOWN ON THE SITE PLAN. THIS LANDSCAPED AREA SHALL BE PLANTED WITH 24 INCH BOX TREES SPACED AT TEN (10) FEET ON CENTER IN ADDITION TO OTHER GROUND COVER REQUIREMENTS. LANDSCAPING SHALL BE SUBJECT TO STAFF REVIEW AND APPROVAL.

9. NEW COMMERCIAL DRIVEWAYS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH *CLARK COUNTY AREA UNIFORM STANDARD DRAWING* NUMBERS 226, WITH MINIMUM WIDTHS OF 20 FEET AS MEASURED FROM FACE OF CURB TO FACE OF CURB. (ADDITIONALLY, THE EXISTING DRIVEWAY ON CAREY AVENUE SHALL BE RECONSTRUCTED TO COMPLY WITH THIS CONDITION.)

12. ALL NEVADA POWER COMPANY EASEMENTS, APPURTENANCES, LINES AND POLES MUST BE SHOWN AND SHALL BE LOCATED ENTIRELY WITHIN THE PERIMETER LANDSCAPE AREA OF THIS DEVELOPMENT. DISTRIBUTION LINES, EXISTING OR PROPOSED, SHALL BE PLACED UNDERGROUND, IF ADJUSTED OR RELOCATED.

15. FIRE ACCESS LANES AND GATES SHALL BE DESIGNED PER THE FIRE CODE OR AS APPROVED BY THE FIRE CHIEF.

MOTION: Commissioner Cato

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

11. **ZN-97-05 (35775) COMMERCIAL LOFTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COMMERCIAL LOFTS LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW THE REMOVAL OF THE RESIDENTIAL COMPONENT OF A PROPOSED MIXED USE DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF COLTON AVENUE AND CLAYTON STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-811-000 THROUGH 139-08-811-044.**

The application was presented by Naveen Potti, Planner who explained the existing PUD consisted of a 44 unit office warehouse development, which would include residential lofts on the second floor. The current request was to amend and remove the residential component and the café from the previously approved proposal and only allow office warehouse land uses within all 44 units. Staff was recommending approval of ZN-97-05 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. That FDP-02-06 is null and void, and that approval of a Final Development Plan that conforms with this PUD amendment shall be submitted for Planning Commission approval.
3. That the building design, parking lot landscaping, foundation landscaping and perimeter landscaping shall comply with all Industrial Development Standards set forth under Title 17.24.205, including but not limited to the following:
 - a. Sidewalks which abut 90 degree parking spaces must be a minimum of eight (8) feet in width in instances where vehicle wheel stops are not used between the between the parking space and the sidewalk curb, and five (5) feet in width when vehicle wheel stops are installed.
 - b. Any area of a parking lot which abuts a public street shall be screened by decorative walls or landscaped berms with a minimum height of 3.5 feet above the finished grade at the rear of the setback area.
 - c. Any area of a parking lot or loading or storage area which abuts a public street shall be setback from the property line a minimum of 20 feet and the setback area shall be appropriately landscaped at a width of 20 feet.
4. Exterior roof ladders and down spouts shall not be permitted.
5. Any outdoor storage of materials or vehicles shall be prohibited.

6. That the proposed businesses within the development shall be limited to office and warehouse uses only.
7. The applicant shall submit a traffic study update for review and approval.
8. No Parking is allowed on Colton Avenue or Clayton Street. The developer is to install "No Parking" signs.
9. The Final Map is required to be Amended to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
10. All mapping shall be in compliance with Codes and Ordinances in effect at the time of building permit issuance.
11. The Approved Civil Improvement plans on file with the City of North Las Vegas Public Works must be revised to match the Amended Final Map. The Amended Final Map must be ready to record prior to final approval of the revised Civil Improvement Plans.
12. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
13. All off-site improvements must be completed prior to final inspection of the first building.
14. Fire access shall be provided such that all ground floor walls are within 150' of the fire access lanes. The measurement is to be taken as a fire hose would lay around the perimeter of the building.
15. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
16. The developer will be required to submit revised drawings to the approved civil improvement plans depicting the requirement of a meter and backflow prevention assembly per building, in accordance with the "City of North Las Vegas Water Service Rules and Regulations".
17. The developer will be required to provide a sewer lateral to each unit, or as otherwise approved by the Director of Utilities.

18. The developer shall submit revisions to the civil improvement plans, reflecting conditions 1 and 2 of this memorandum.

Ariel Valli, 81 Columbia #200, Aliso Viejo, CA 92656 appeared on behalf of the applicant asking for clarification on Condition No. 3.b. He asked for clarification that they had the option to provide the adequate landscape screening by providing landscaping and a berm only.

Marc Jordan, Planning Manager explained the condition was written to give the applicant the option of putting in landscaping and a berm for screening.

Mr. Valli asked for clarification on Condition No. 6, that there would be the flexibility of having some light industrial uses, possibly light manufacturing uses.

Mr. Jordan explained the PUD was originally an office/warehouse type park with residential on top and was designed with that in mind. Staff understood the market conditions required the applicant to change the site. However, the same design was being used; therefore, in keeping with that, Staff wanted to maintain the character of what was being proposed on the site and a use other than warehouse may not fit with the theme of the site and he did not feel comfortable amending the condition at this time.

Mr. Valli indicated they were looking at some type of light assembly type of use, possibly an arts and crafts use and wanted to be sure there was no restriction on that type of use.

Commissioner Dean Leavitt indicated he had reservations when the project was originally approved and realized times had changed, but his reservations had come to fruition and he was not in support of the application.

Commissioner Steve Brown agreed with Commissioner Leavitt and was not supporting any light industrial uses and felt a change could not be made without notifying the public to allow their input.

Commissioner Harry Shull was not opposed to giving the applicant the opportunity to do what was originally zoned.

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

Chairman Carvalho closed the Public Hearing.

Commissioner Jo Cato indicated she had supported the application when it was originally submitted and understood the market conditions required a change, but she had reservations about changing the uses to light industrial, but was in support of removing the residential component due to market conditions.

Richard Smedly, 9901 Covington Cross Drive, Las Vegas, NV 89144 explained the CC & R's had not changed, they were eliminating the residential component so the proposed uses would remain the same. He also explained he had met with the Utilities Department and felt they could work out details. The original plan was to have a master meter and there was nothing in place in the rules and regulations regarding the mixed use warehouse office and residential loft. The rules and regulations for commercial development require a meter and RPPA per building. He asked that the wording, "or as otherwise approved by the Director of Utilities" be added to Condition No. 16.

Mr. Jordan indicated Utilities did not have any issues with Condition No. 16 being amended as requested by the applicant.

Chairman Carvalho suggested the applicant might want to continue the application to give Staff an opportunity to address their request.

Mr. Smedly explained the CC&R's limited the uses, which were already approved.

Kirt Ledford, 3773 Howard Hughes Parkway, Las Vegas, NV, attorney for the project, stated the restricted items included: no automotive use, no manufacturing use that would create any sort of volume. The idea was to have very light manufacturing similar to arts and crafts, which was initially approved by the.

Chairman Carvalho asked if the CC&R's were identical, why the application could not be approved as it was presented.

Mr. Ledford responded that was correct, as the uses were already approved.

Commissioner Cato clarified, if the uses had already been approved, there was no need to amend Condition No. 6.

Mr. Smedly responded that was correct.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 16 AMENDED TO READ:

16. THE DEVELOPER WILL BE REQUIRED TO SUBMIT REVISED DRAWINGS TO THE APPROVED CIVIL IMPROVEMENT PLANS DEPICTING THE REQUIREMENT OF A METER AND BACKFLOW

PREVENTION ASSEMBLY PER BUILDING, IN ACCORDANCE WITH THE "CITY OF NORTH LAS VEGAS WATER SERVICE RULES AND REGULATIONS", OR AS OTHERWISE APPROVED THE DIRECTOR OF UTILITIES.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

12. ZOA-07-08 (35751) EXPERTISE COSMETOLOGY INSTITUTE (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY EXPERTISE INC. TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.20.210.F.2, TO ADD COSMETOLOGY SCHOOL AS A PRINCIPALLY PERMITTED USE IN THE R-A/OFF, REDEVELOPMENT AREA/OFFICE SUBDISTRICT AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

The application was presented by Naveen Potti, Planner who explained the purpose of the Redevelopment Area Office District was to create areas dedicated to office space that dealt directly with the client but would be more automobile than pedestrian oriented. Staff was not supporting the requested amendment, as submitted, to add cosmetology schools as a principally permitted use; however, Staff recommends that the proposed land use be a special use within the Redevelopment Area Office Subdistrict, which was based on the fact that this type of land use has impacts on surrounding land uses and was a proposed site for a cosmetology school and the existing site conditions and surrounding land uses. Staff was recommending approval as a special use permit with amendments to Section 17.24.140 E.2 Parking Requirements for Non-Residential uses amended to read: "a. One space for each staff member plus, b. one space for every two students in class when the school is at maximum capacity."

Gwen Braimoh, 1911 Stella Lake, Las Vegas, NV 89106 asked the Commission to waive the R-A to office space or allow them to use the space as business/office. The majority of the cosmetology schools in Las Vegas were zoned Business/Office. The R-A zoning was only in the Redevelopment area. When they initially met with some of the City Staff, they were led in the direction that they should apply for the ordinance to be rezoned for the cosmetology school. Initially Staff was concerned with the parking, but it was not currently an issue and she was asking to be allowed to use the space as office/business. She felt Staff thought if cosmetology schools were allowed in the area, there would be more traffic, but with the Nevada Board of Cosmetology, location was a factor in licensing, so she knew they would not allow another school within the neighboring area.

Donna Watson, 1911 Stella Lake, Las Vegas, NV 89106 explained the City of Las Vegas cosmetology schools were considered business schools and, as such, were able to occupy office space. They had their school located in Las Vegas and had two different locations and were in an area zoned for office. In talking with Staff, part of their concerns were the fact that cosmetology schools were considered trade or vocational schools in North Las Vegas and, as such, were generally a permitted use in manufacturing areas because they were considered the same as welding schools, but they were a professional school. She pointed out the R-A Office zoning, directly across the street from their proposed location, were located in a very small triangle, which was the only R-A office zoning currently in the City.

Commissioner Jo Cato asked Staff if the applicant's direction had been a special use permit versus a zoning change, if it would have been a better benefit for them. She understood if the zoning was changed and if they vacated the building, the next person could also use that zoning.

Mr. Jordan explained the application was an ordinance amendment to add cosmetology schools in the Redevelopment Office subdistrict and it would apply to any area within the Redevelopment Area Office subdistrict. The applicant did not have the ability to apply for a special use permit, because it was not listed as a special use, so the applicant was going through that step. When looking at the uses in the Staff Report, such as a medical clinic or funeral home, they were principally permitted and auto title loan and a bank was a special use, so people could apply for those uses. The applicant was taking the first step to amend the ordinance to allow their cosmetology school to be considered as a use that was either principally permitted or as a special use. Staff was recommending special use. Once that was adopted by City Council, the applicant could go through the process of either getting their use permit or business license; but, at this time they did not have the ability to get either until the proposed application was considered and eventually adopted. Staff was not looking at site specific, it was being applied across the board.

Commissioner Cato asked if there was another cosmetology school in North Las Vegas.

Mr. Jordan responded there was and they went through the use permit process.

Commissioner Cato asked if they went through the same process.

Mr. Jordan explained they did not, as the use was already listed.

Commissioner Cato asked the applicant if the proposed location was the only area they had considered.

Ms. Braimoh responded it was the perfect spot and was their target market. She explained the campus would be a branch of the 1911 Stella Lake location. The majority of their participants would be evening students and the proposed plan was to have their largest class from 5 to 9 p.m.

Ms. Watson commented by having it as a permitted use in the small area of the City zoned as R-A Office and recognizing that in the City of Las Vegas they were considered an office operation, it seemed like the impact discussed was not as significant. They gave a time line, as they were looking to take control of the building quickly and it seemed the process would be taking significantly longer than anticipated, which could be a hardship.

Commissioner Dilip Trivedi stated according to IBC, International Building Code, the proposed use would be considered a business use and thought there were discrepancies when it came to defining uses and asked if the definitions were being brought into alignment with the re-write of Title 17.

Mr. Jordan explained the applicant's request was what was being considered and an analysis had not been done of the ordinance. That was being dealt with by the consultant.

Commissioner Trivedi asked how short the applicant was on parking, if the use was not considered business.

Mr. Jordan explained the use was not reviewed as site specific, as the application was for an ordinance amendment.

Commissioner Trivedi was in support of the application.

Ms. Braimoh explained originally, as presented in the agenda, it would have been required to have 98 parking spaces. When the code for Las Vegas and Henderson were presented as they related to cosmetology schools, staff adjusted the parking, which now required 28 parking spaces, so it made a significant difference in parking. In the rear portion of the building being occupied, there was 71 spaces.

Commissioner Steve Brown supported the application.

Commissioner Jay Aston explained to the applicant that the requested zoning ordinance amendment was not just addressing their property, but had to do with the law being changed so that their use application could be heard. At the present time, their application for use could not be heard. He explained if the application were approved, the law would be changed and their application could be accepted for consideration.

Ms. Braimoh asked if it would be as a permitted use or a special use.

Commissioner Aston responded it would be heard as a special use.

Ms. Braimoh asked, since the Commission was ready to vote on the zoning ordinance amendment, if they would have to reapply or if they could move forward to City Council.

Chairman Carvalho indicated the application would move forward to City Council for final consideration.

Ms. Braimoh clarified that was only as it related to changing the ordinance and then they would have to apply for the special use permit.

Commissioner Aston explained that would be when Staff reviewed everything specific to their proposed site. She asked if there was a way they could speed up the process. She explained building would be ready for occupancy on September 1.

Commissioner Aston asked Staff if the applicant could apply for their special use permit while they were waiting for the present application to be heard by City Council and have it be contingent upon Council's approval of the zoning ordinance amendment.

Mr. Jordan responded if the Commission decided to support the special use and the item went forward to City Council, he would allow the applicant to apply for the special use as early as July 10, if they wished.

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

Chairman Carvalho closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH
17.24.140.E.2 AMENDED AS FOLLOWS:**

**ADD TO SECTION 17.24.140.E.2. - PARKING REQUIREMENTS -
NONRESIDENTIAL USES**

| USE TYPE | OFF-STREET PARKING SPACES REQUIRED |
|------------------------|--|
| COSMETOLOGY SCHOOLS | A. ONE SPACE FOR EACH STAFF MEMBER, PLUS B. ONE SPACE FOR EVERY 2 STUDENTS IN CLASS WHEN THE SCHOOL IS AT MAXIMUM CAPACITY |

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

13. **SPR-15-08 (35705) ZVULUN RESIDENCE. AN APPLICATION SUBMITTED BY SHAFIK ZVULUN, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-EL, RANCH ESTATES LIMITED DISTRICT TO ALLOW A SINGLE-FAMILY DWELLING ON A LOT THAT IS 50 FEET WIDE WITH A LOT AREA OF APPROXIMATELY 5,227 SQUARE FEET WHERE THE MINIMUM LOT WIDTH IS 80 FEET AND THE MINIMUM LOT AREA IS 10,000 SQUARE FEET. THE PROPERTY IS LOCATED AT 3231 KIDD STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-08-810-091.**

The application was presented by Naveen Potti, Planner who explained the applicant intended to construct a 1500 square foot single-story home. Due to the close proximity of the parcel to the North Las Vegas Airport, the Clark County Aviation Department requests disclosure statements in reference to the significant aircraft noise to future buyers or renters, separate from any other documents. Staff was recommending approval of SPR-15-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The dwelling shall be in full compliance with the Single-Family Design Standards.
3. Turf shall not be planted in the front yard.
4. Due to the size of the site, this development may be eligible for a drainage study waiver. Please complete 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. Maintain FHA Type A Drainage for the lot.
6. The developer must file a reversionary map to remove the common lot line.
7. Record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Clark County Department of Aviation.
8. Provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Clark County Department of Aviation.
9. Provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence.

10. An exterior to interior noise level reduction of 25 decibels shall be incorporated into the building construction.

Shafik Zvulun, 726 Encanto Drive, Las Vegas, NV 89101 indicated he concurred with Staff recommendation.

Commissioner Jay Aston asked if the proposed location was within the North Las Vegas Airport Noise containment area.

Commissioner Jay Aston asked the applicant if he understood what it meant to reduce the noise decibels to 25 and what materials were needed to accomplish it.

Mr. Zvulun responded he did, but did not know what type of materials he would use.

Commissioner Aston explained that would be addressed when the building plans were submitted and that there would be specific things that would need to be done to reduce the noise heard inside the building.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

14. **SPR-20-08 (35715) NORTHERN BELTWAY INDUSTRIAL. AN APPLICATION SUBMITTED BY THOMAS AND MACK DEVELOPMENT ON BEHALF OF NORTHERN BELTWAY INDUSTRIAL CENTER LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 551,922-SQUARE-FOOT INDUSTRIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF RANGE ROAD AND EL CAMPO GRANDE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-310-001 AND 123-28-701-001.**

The application was presented by Naveen Potti, Planner who explained the first phase of the project had two buildings, which were already developed and the second phase consisted of four buildings, which were currently under construction. A tentative map for a single lot commercial development was approved in January 2008 by the Planning Commission. The applicant met all of the requirements for the Industrial Design Guidelines; therefore, Staff was recommending approval of SPR-20-08 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development of this site shall be in compliance with the Industrial Development Standards, including but not limited to the following:
 - a. The color pallet for Buildings E and F shall be compatible to the colors of Buildings A and B.
 - b. Landscaped islands shall be provided every 15 parking spaces and at the end of each row of parking.
 - c. Provide thirty-one covered bicycle parking spaces to be distributed throughout the site within 100 feet of building entrances.
3. That the development shall comply with the conditions of approval for VAC-14-07.
4. Comply with the previously approved conditions of T-1308.
5. Vacation of Castleberry Lane must record prior to final approval of civil improvements.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Tropical Parkway

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.
13. A 20-foot-wide utility easement west of the centerline of Castleberry Lane shall be dedicated (VAC-14-07).
14. The applicant shall comply with the conditions of approval listed by the Fire Department for VAC-14-07
15. Fire access lanes shall be marked to prohibit parking in accordance with the fire code.
16. The loading area shall be equipped with security lighting and cameras.

Gary Congdon, Lee & Sakahara Architects, 7182 Evening Hills appeared on behalf of the applicant indicating he concurred with most of Staff recommended conditions. He pointed out that the design was on-going of an existing project. He explained the two new buildings would be identical in style, color and appearance as to what was currently located on the site. They were reserving Buildings E and F for future development on the northern end of the site abutting the future Tropical Parkway. He explained Tropical Parkway would connect with I-15 at the interchange in the future. Condition No. 2.c required thirty-one covered bicycle parking spaces and he understood they were allowed the flexibility to park the bicycles inside the building, which was how it would be handled. He indicated Condition No. 4 was in direct conflict with Condition No. 7 and he asked that the same language be inserted in Condition No. 7 that was previously approved with T-1308. He maintained there was nothing going on with the construction of Buildings E and F to require

the construction of Tropical Parkway. Mr. Congdon indicated he spoke with Jose Rodriguez of the Police Department regarding Condition No. 16 and he was comfortable with other security measures being in place and asked that the language "or other security measures" be added. He asked that the application be approved with the requested amendments to the conditions.

Commissioner Harry Shull suggested Condition No. 7 be deleted, as it was covered in the approval of T-1308.

Jennifer Doody of Public Works explained Castleberry was along the eastern alignment and the applicant was showing it as a private drive on their site plan. The vacation of Castleberry was conditioned with having the property owner to the east have his off-site improvements designed and bonded for before the vacation could go through. At this point, the site plan does not reflect construction of the half streets on Castleberry, so for the site plan to be valid, the vacation would have to go through. For the vacation to go through, the improvements on the parcel to the east would have to be designed and bonded for. That being the case, Tropical would not be built in the middle of nowhere, it would be connecting to existing improvements that would be on the east side, that would be constructed with Speedway Industrial Park and was currently in the development process.

Mr. Congdon pointed out they had not been required to dedicate for Castleberry because the adjacent property owner was vacating Castleberry and a condition was placed on that property owner, that when he vacates Castleberry, he must construct the off-site improvements on the three streets surrounding his property. The owner on the proposed site, was conditioned to wait for the adjacent property owner to do something. He did not see a problem with deleting Condition No. 7 and proceeding with Conditions Nos. 4 and 5 and they had been conditioned with them on the tentative map.

Commissioner Shull asked Staff if they disagreed with the applicant on Condition No. 7.

Ms. Doody responded it was felt the site plan needed to be conditioned to build the improvements on Tropical Parkway because it would be necessary for the site plan to work. If Castleberry did not get vacated, they would have to dedicate it and it was not reflected on the site plan.

Commissioner Shull asked if the improvements could be bonded and not put in until the contiguous property was developed, so they would not have to go to the expense.

Ms. Doody responded it would have to be designed and bonded for with this site plan and then the phasing of the construction in the field would be once it got constructed to the east.

Jerry Slater, 5740 South Arville Street, Las Vegas, NV, the project engineer indicated Ms. Doody was correct, that the adjacent property owner was required to bond his off-site improvements. The concern was, even though the property was bonded, there could be a long duration of time when the improvements were not constructed; thereby, the applicant was conditioned to construct the road just because the adjacent property owner had bonded his improvements. That was why the conditions of approval on T-1308 indicate once the adjacent property owner starts construction, it was the trigger for the applicant to put in the segment of Tropical Parkway, not when they were bonded for, but when construction was started.

Commissioner Steve Brown asked Ms. Doody why the condition was changed.

Ms. Doody explained if the adjacent property owner decided not to develop, then Castleberry would not be vacated, so the site plan would be different. So, for the site plan to work, Castleberry has to be vacated and it was complicated to make the site plan work with the property owner to the east, but in the end, for the site plan to work, the property owner to the east had to get his improvements done and for that to work, Tropical Parkway needed to be designed and bonded for with the current site plan.

Mr. Congdon stated the adjacent property owner was conditioned to vacate Castleberry and do the off-site improvements around his property as part his project. He did not understand why the applicant's project was contingent on the adjacent property owners project.

Commissioner Brown suggested the application be continued to allow the applicant to work with Staff on the issues.

ACTION: CONTINUED TO JULY 23, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

15. SPR-17-07 (35758) DIAMOND CREEK ESTATES. AN APPLICATION SUBMITTED BY AMERICAN PREMIERE HOMES ON BEHALF OF DIAMOND CREEK ESTATES, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT CONSISTING OF 470 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF NORTH 5TH STREET AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-009.

The application was presented by Robert Eastman, Principal Planner who explained the application was previously approved and the applicant was requesting an extension of time on the site plan review and with the extension, the applicant was proposing to develop and add a landscaped walking path along the northern property line. The walkway, located on the northern property line, would be classified as part of the required open space amenity for the site. Staff feels the proposed open space was very valid and adequate and was properly amenitized to count as part of the open space; therefore, Staff was recommending approval of the waiver. The site plan was unique in that they were originally approved and were awarded a waiver of the parking standards because of the proximity to North 5th Street by City Council and because of that, the application would be forwarded to City Council for their approval. Staff was recommending approval of SPR-17-07 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This development shall comply with the Multifamily Development Standards including, but not limited to:
 - a. A minimum 163,000 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents
 - b. Balcony areas which are a minimum 40 square feet in size.
 - c. Patio areas which are a minimum 80 square feet in size.
 - d. Landscaped buffers a minimum of 20 feet in width along all interior property lines.
 - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
 - f. All required landscaping between the public streets and the perimeter wall or view fence.
 - g. At least one recreational amenity/facility within 300 feet of each unit.
 - h. No building greater than one story within 50 feet of the northern property line.
 - i. Meandering sidewalks separated from the backs-of-curb by a minimum five

- feet of landscaping along Rome Boulevard and Goldfield Street.
- j. No utility panels shall be visible from adjacent rights-of-way or properties.
 - k. At least three different design themes and appropriate clustering of not more than 200 units per theme/cluster.
 - l. Clearly defined parking areas with no more than 80 spaces per area.
 - m. Site design that encourages and allows for easy/convenient pedestrian access to North 5th Street and public transportation.
3. Pedestrian crossings shall be constructed of textured and dyed concrete, and/or brick pavers. The pedestrian crossings of the two long straight drive aisles parallel and adjacent to the northern property line shall be raised to curb level and shall also serve as speed humps. The specific locations of the two crossings shall be subject to review and approval of Planning.
 4. All parking shall be provided in accordance with the accepted parking waiver. A minimum 848 non-tandem parking spaces shall be provided.
 5. Two additional pedestrian gates shall be provided through each of the fences along the northern property line, Goldfield Street and Rome Boulevard. Four additional pedestrian gates shall be provided through the fence along North 5th Street. The specific locations shall be subject to review and approval by Planning.
 6. The meandering sidewalk along North 5th Street shall be removed and the entire area between the right-of-way and the perimeter fence shall be landscaped.
 7. The carports adjacent to the fence along the northern property line shall be re-located to the south side of the drive aisle to allow for better visibility of the pedestrian path.
 8. The path along the northern property line shall be designed and constructed in accordance with City standards and approved by Planning and Parks & Recreation. Amenities shall be provided within the easement to include, but not be limited to, lighting, benches, trash receptacles and landscaping.
 9. The perimeter fence shall be constructed with wrought-iron, and pilasters or decorative wall sections not greater than six feet (6.00') in length. Pilasters and wall sections shall have decorative capstones.
 10. The square feet of each balcony and private patio shall be provided on the building plans.
 11. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
 1. Circuitous lighted paths and fitness course;

2. A minimum of twenty 24-inch box trees per acre;
 3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
 4. A minimum of three swimming pools (no less than 2,115 square feet of total swimming pool area) with accompanying decking, barbecue areas, and shade structures at each location. One clubhouse/cabana shall be located adjacent to one of the pools and shall include restrooms and a drinking fountain;
 5. A minimum of one fitness facility;
 6. Shaded group picnic areas at a minimum of three different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted, shade structure that can accommodate a large group gathering;
 7. At least one large open space area for group/organized play;
 8. One sport court (i.e. basketball, sand volleyball, tennis, etc.) and/or other amenity such as a pet park or putting green course;
 9. Benches spaced along pathways;
 10. Bicycle racks at 2-3 different locations;
 11. Dog stations at grassy areas;
 12. ADA accessibility; and
 13. Details of amenities to be provided.
12. A looped water system may be required, subject to review and approval of the Utilities Department.
 13. Full frontage extension of water main will be required along Rome Boulevard from Goldfield Street and North 5th Street.
 14. Fire access roads shall be a minimum of 24' including entrances to the property.
 15. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
 16. Fire access lanes shall be located in accordance with the Fire Code. The maximum distance from a fire lane to a structure is to be measured as the hose lays (around walls, fences, etc.)
 17. Approval of a traffic study is required prior to submittal of the civil improvement plans.
 18. A queuing analysis is required.
 19. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.

20. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
21. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
22. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
23. All development along North 5th Street shall provide a minimum twenty foot landscape area/common element adjacent to the right-of-way.
24. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
25. All public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
26. The developer shall provide a fourteen foot over-pave beyond the centerline of Rome Boulevard.
27. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
28. Extension of the Clark County Regional Flood Control District facility along the North 5th Street frontage is required.
29. Approval of a drainage study is required prior to submittal of the civil improvement plans.
30. 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.
31. 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.
32. 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.

33. 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. Goldfield Street
 - b. Rome Boulevard
 - c. North 5th Street
 - d. associated spandrels
34. The property owner is required to grant a roadway easement for commercial driveway(s).
35. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
36. A revocable encroachment permit for landscaping within the public right of way is required.
37. The developer is responsible for acquiring any roadway, drainage or utility easements needed to construct the project.
38. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
39. Should VAC-03-07 be denied, this site plan shall be designed to include Engel Street; additionally, five (5) copies of a conforming site plan incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works and the Department of Planning and Zoning prior to submittal of the civil improvement plans.
40. All streets adjacent to the development shall be paved with curb, gutter, and sidewalk prior to final inspection of the first building.
41. Traffic study shall address traffic mitigation within North Fifth Street adjacent to the site.
42. Full half street construction is required for the area of North 5th Street adjacent to the development. The City also requires a minimum of two twelve-foot lanes of travel and six feet of shoulder on the west side of North 5th Street adjacent to parcels 124-

22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane at Centennial and North 5th Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

The developer shall participate in the funding of a traffic study that shall take into account the surrounding area of North 5th Street between Azure Avenue and the 215 Beltway. The City shall make the decision on the consultant to perform the traffic study. The developer shall provide the funding for the traffic study by June 30, 2007. Should the traffic study determine that additional improvements are warranted, the developer shall be responsible for additional mitigation measures as determined by the City. Any such mitigation measures must be substantially completed prior to final inspection of the first building.

The North 5th Street improvements, as stipulated in previous conditions, may be satisfied if developer participates in a special improvement district to construct all necessary improvements on North 5th Street between Azure Avenue and the 215 Beltway. If a special improvement district is created for improvements on North 5th Street between Azure Avenue and the 215 Beltway, the developer agrees to participate in the special improvement district.

43. All amenities and improvements within areas counted toward the open space requirements shall be reviewed and approved by the Department of Parks and Recreation prior to submittal of the Civil Improvement Plans.
44. Per IBC 2006 requirements, all first floor level units shall be type B units and at least 2% of the total number of dwelling units shall be type A accessible units for physically handicapped.

Brian Psioda, 2727 South Rainbow Boulevard, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

16. **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. (CONTINUED MAY 14, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained the site complies with the existing zoning district, the R-3 Multi-family District; however, the proposed site was a very small site, less than 17,000 square feet and the applicant was proposing a four-plex. The applicant was only requesting one waiver of the Design Standards, specifically, to waive the requirement for a trash enclosure. Staff was not opposed to the waiver request; however, in Staff's opinion, that was not the critical issue. The issue was the proposed four-plex on the site, which does not comply with zoning ordinance requirements. The parking standards have not been met for a townhouse, which would require two parking spaces, located within a garage and the applicant was providing single car garages. Since the unit was multi-family, 400 square feet of open space per unit was required and not proposed on the site. There were some waivers that would be needed, including the waiver of a 50 foot separation between the proposed multi-family building and a single-family property line, the 20 foot buffer requirement adjacent to all interior property lines, and the minimum 15 feet between the back of curb and the perimeter wall or fence along Bassler Street and Judson Avenue because of the proximity to the right-of-way. The site was in-fill and many of the waivers could be granted, specifically the 50 foot separation between the proposed multi-family and an adjacent single-family property line and you might be able to consider the 20 foot landscape buffer and/or some of the 15 foot buffer along Judson Avenue or Bassler Street; however, the parking standard and requirement cannot be waived; therefore, the proposed four-plex shown does not meet that standard and cannot be approved. Staff was recommending SPR-16-08 be continued to allow the applicant time to redesign the site with a tri-plex, which would fit with the required parking and open space. Waivers would still be necessary, but it would comply with some of the more critical non-waivable standards. Should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That this site be developed with no more than three (3) townhome units.

3. That the development meet the Multi-Family Development Standards with the following exceptions:
 - a. The twenty (20) foot buffer yard will not be required along the eastern property line, as depicted on the submitted site plan [17.24.195(C)(3)].
 - b. The new two-story structure is not required to be a minimum 50 feet from adjacent single-family residential property lines [17.24.195(C)(2)].
 - c. The site may be served by a local 60-foot street (Bassler Street) [17.24.195(B)(9)(b)].
 - d. A trash enclosure shall not be required and the trash receptacles shall be stored inside the garages, except on garbage collection days. The garages shall be designed to accommodate the trash receptacles and said storage space shall be identified on the floor plans submitted with the building permit application packets.
4. The development shall comply with the exterior design of the building, as shown on the submitted elevations.
5. The landscape plans are considered conceptual and are not binding; however, shrubs shall be provided between each driveway in a quantity sufficient to provide a minimum 60% coverage.
6. The development of this site shall substantially comply with the submitted site plan, including but not limited to, the identified building setbacks.
7. 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>)
8. 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.
9. Dedication of right of way is required for spandrel at Judson Avenue and Bassler Street.
10. The property owner is required to grant a roadway easement for commercial driveway(s).

11. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and Title 16 of the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
12. 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.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. All off-site improvements must be completed prior to final inspection of the first building.

Manuel Monarrez, 2728 Judson Avenue, North Las Vegas, NV 89030 explained the units were approximately 1650 square feet with single car garages. The parking was similar to what was existing in the area and he felt his units were an improvement to the area. He stated based on the size of the lot, they could put five units, but were only putting four and pointed out there was 2.5 parking spaces per unit and in Multi-Family, only one parking space must be covered, which was being accomplished with the garage. Mr. Monarrez did not agree with redesigning the site as a tri-plex and asked that it be approved as presented.

Commissioner Harry Shull asked if the units would be sold or rented.

Mr. Monarrez responded initially he would be renting them, but wanted the flexibility to sell them at a later date.

Commissioner Shull explained if the project was condominiums, they must have a two car garage, but if they were called apartments, the parking would be acceptable.

Mr. Monarrez stated for three bedroom apartments, the parking requirement was higher.

Mr. Eastman explained for apartments, a garage was not required, but a townhouse required a two car garage. If the project was classified as a row house, it would require 2.25 parking spaces per unit, which also was not met.

Mr. Monarrez explained there was a 17 foot driveway, with one driveway going into the garage and the space next to it, would be additional parking and would be in front of the unit.

Commissioner Shull suggested changing the project to apartments and get it developed and built and then he could put a condominium map on it.

Mr. Monarrez stated if the project were apartments, the parking requirements would not be met.

Mr. Eastman explained the parking requirements for apartments was 2 3/4 but there was guest parking of one space for four units.

Commissioner Shull agreed with the applicant that the project would be an upgrade for the community and asked if it was in the Commission's purview to approve the application with one car garages.

Commissioner Jay Aston asked what the parking would be if the project was a PUD.

Marc Jordan, Planning Manager explained the open space requirements would increase.

Commissioner Aston asked if the Commission would have more flexibility with a PUD.

Mr. Jordan responded they would, but a PUD acreage was five acres and the site was well below that. The Commission and Council would have the opportunity to consider something less but the requirements would not be met. If the project was being done as apartments, the application should be continued for the applicant to revise the site plan to show compliance with parking.

Commissioner Shull asked if the project came close to the parking requirements, if a waiver could be granted for the parking requirements.

Mr. Jordan responded the parking requirements were not waivable at this time and explained there were more issues than just the parking. There were two parcels that have a single-family home on it and were being split down the middle the application was trying to squeeze a four-plex on the other half.

Commissioner Shull felt the application should be continued to allow the applicant to revise the site.

Chairman Angelo Carvalho asked for Staff in-put.

Mr. Jordan responded it was the Commission's decision to continue the application or approve it with the conditions listed in the Staff Report, which requires major modification to the site to convert it to a three-plex. He pointed out there were some safety issues with the parking. The recommendation was for an indefinite continuance and for the applicant to come back with a design that would work on the site. He understood the applicant wanted to put in a four-plex, but, the design criteria does not make it possible.

Commissioner Dilip Trivedi agreed the application should be continued to allow the applicant to redesign the site.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

17. **UN-33-08 (34790) BIODIESEL OF LV UPRR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NC INDUSTRIES LLC, PROPERTY OWNER, FOR AN EXPANSION TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (APPROXIMATELY 420,000 GALLONS OF DIESEL FUEL; 1,260,000 GALLONS OF BIODIESEL; 420,000 GALLONS OF METHANOL; 100 TONS OF SODIUM HYDROXIDE; 20,000 GALLONS OF PHOSPHORIC ACID, 300,000 GALLONS OF ETHANOL; AND 150,000 GALLONS OF SODIUM METHOXIDE). THE PROPERTY IS LOCATED SOUTH OF EL CAMPO GRANDE AND APPROXIMATELY 470 FEET WEST OF RANGE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-28-401-001. (CONTINUED APRIL 23 AND MAY 28, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained the site was originally approved for a special use permit for the storage tanks and for the biodiesel with UN-68-06 for approximately 605,000 gallons of biodiesel fuel. The applicant was proposing to increase the capacity, which requires a new use permit. With the application, the applicant was proposing to build additional railroad spurs onto the site to provide adequate rail capacity to serve his location. Staff does not have objections to the proposed use. The Fire Department has reviewed the proposal and feels that the existing safety was adequate and has proposed additional conditions of approval to ensure safety on the site; therefore, Staff was recommending that UN-33-08 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. That the development of this site shall be in compliance with all conditions of UN-68-06;
3. That any expansions to the proposed use shall be subject to Planning Commission review and approval;
4. Approval of a drainage study is required prior to submittal of the civil improvement plans;
5. Half street design and construction of El Campo Grande along the property frontage is required;
6. Approval of a traffic study is required prior to submittal of the civil improvement plans;

7. 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;
8. 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.
9. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
10. Fire access lanes shall be designed, located, and installed in accordance with the Fire Code.
11. A Hazardous Materials Technical Report, addressing hazardous material fire code compliance of this facility shall be prepared and sealed by a Nevada Licensed Fire Protection Engineer and submitted to the North Las Vegas Fire Department prior to the approval of the process piping and equipment plans.
12. A completely automatic foam suppression system, in accordance with the applicable National Fire Protection Association standards and the operational needs of the Fire Department as specified by the Fire Chief, shall be provided for all tanks holding Class I flammable or Class II combustible liquids as defined by the Fire Code.
13. A completely automatic foam suppression system, in accordance with the applicable National Fire Protection Association standards and the operational needs of the Fire Department as specified by the Fire Chief, shall be provided for all outdoor secondary containment areas in which tanks holding Class I, II, or III flammable and combustible liquids, as defined by the Fire Code, are located.
14. A completely automatic foam suppression system, in accordance with the applicable National Fire Protection Association standards and the operational needs of the Fire Department as specified by the Fire Chief, shall be provided for loading racks where Class I, II, or III flammable and combustible liquids, as defined by the Fire Code, are loaded or off-loaded.

Commissioner Jo Cato left chambers at 7:40 p.m.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 and **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant. Mr. Gronauer indicated they concurred with Staff recommendation.

Mr. Garcia asked Staff to clarify if the land use was in the Industrial or Heavy Industrial land use area and asked the Fire Department to clarify the list of uses to show which products were hazardous substances.

Commissioner Cato returned to Chambers at 7:41 p.m.

Commissioner Dilip Trivedi left Chambers at 7:41 p.m.

Chairman Angelo Carvalho opened the Public Hearing. The following participants came forward:

- **Richard Glopckner Summit View Youth Correctional Center, 5730 Range Road, North Las Vegas, NV 89115** and **Marc Humphries, Chief Nevada youth Parole Bureau, 620 Belrose Street, Las Vegas, NV 89106** appeared on behalf of Dianne Como, Administrator of Division of Child Family Services, State of Nevada. Mr. Glopckner read a letter into the record in opposition to the application. They were opposed as they considered the detention center a residential facility and the lives of the youth living in the facility would be in danger.

Commissioner Trivedi returned to Chambers at 7:42 p.m.

- **Tom Thomas, 1924 Redbird Drive, Las Vegas, NV 89134** appeared on behalf of the Northern Beltway Industrial Center, managing partner of Thomas and Mack Company. He explained they did not have an issue with what the applicant was doing on the property or with the storage of additional biodiesel or diesel, soybean oil or any of the materials other than those identified as being flammable and explosive, which were Phosphoric Acid, Methanol and Ethanol, which would be approximately 720,000 gallons. At the present time, there was not a lot of information regarding the safety record of biodiesel, but there was a great deal of information on the safety record of methanol and ethanol. It was felt there was a possibility that an explosion could occur and they found a long list of occurrences where that had happened. Their engineers created a ring of damage that could occur from an explosion, based upon the applicable standards that were currently in place for risk management guidance for off-site consequent analysis, which showed the areas of destruction within a one mile radius of the proposed site. They were concerned about damage to their facility and employees in the event an explosion occurred. He submitted that under the City's standards, that a use would not under any circumstances be detrimental to the health safety or general welfare of persons residing or working in the facility. The Planning Commission should take into account the possibility of that occurring and it was not the task to discuss whether it was a 5% or a 15% probability. He pointed out the application stated the

site was not in proximity of any residential uses, but there were 96 youth living within 500 feet of the facility at the Summit View Youth Correctional Center and the State was planning to add another 100 beds to the facility. He asked that the application be denied.

- **Nick Leventis, 100 Corporate Park Drive, Henderson, NV** indicated he was representing the property just to the east of the Thomas and Mack property and was in support of Mr. Thomas' comments and was opposed to the proposed application as it would have a negative impact on their property.

Chairman Carvalho closed the Public Hearing.

Mr. Gronauer explained the City wanted industrial uses in the area, not residential or commercial uses. The proposed use was located within an M-2 District, which allowed the proposed use. There were few areas in the valley where this type of use could be located, as it also required rail. To the southeast of the site was bulk transportation, which was more dangerous than the type of storage proposed with this application. There were other previously approved hazardous uses in the area and the proposed use complied with the Fire Code and regulations.

Mr. Garcia showed a map with land uses, which showed the area was mostly for heavy industrial uses, which was the category of the proposed use. The Fire Department acknowledged it and provided conditions, which provide a high level of safety for the site.

Commissioner Steve Brown asked for an explanation of the ethanol storage.

Mr. Garcia explained there would not be any storage in the rail cars, they would be unload from the rail cars to storage containers that were designed for that purpose. He showed a tank farm map for the site. There were fire suppression cannons scattered throughout the site, both at the racks and at the tanks.

Commissioner Brown asked if the Sodium Hydroxide and Phosphoric Acid were being stored separately and if they were dry chemicals.

Mr. Garcia explained some of the chemicals could be in pellet form, dry, or could be combined, depending on how the operation was done.

Commissioner Brown asked how large of an increase in storage was being requested.

Mr. Garcia responded it depended how the original approval was measured and what could be done with those approvals. They were probably requesting four to five times more storage. He explained some of the increases were not for hazardous chemicals. Because they did not have pressurized vessels for Methanol, and because it had a floating roof, there was not a large explosive capability.

Chairman Brown asked the Fire Department if explosives were included in the Fire Code.

Mike Steele of the Fire Department responded explosives were in the Fire Code; however, the Code was specific on what constituted an explosive. In this case, a flammable liquid was not an explosive.

Chairman Brown asked when the assessment was done for this application, they were not looking into whether or not any of the tanks could explode, they were looking at them burning.

Mr. Steele responded that was correct. They were using NPA 30, which was National Fire Protection Association Flammable and Combustible Liquids Code, a national standard. They also use the 2000 Edition of the Uniform Fire Code and both Fire and the 3rd party engineer did a review to show that it was compliant with those two standards. It was less likely for floating roof tank to have an explosion; however, there was always a possibility of an explosion.

Chairman Brown asked if it was true that a liquid could not burn; it had to go to a gaseous state before it could burn and had to be in a gaseous state before it could explode. So, if there was a floating roof, the possibility was greatly mitigated that there would be an accumulation of fumes.

Mr. Steele indicated that was correct.

Chairman Brown felt risks had been mitigated and was in support of the application.

Chairman Angelo Carvalho had concerns with the Detention Center be located in the vicinity and realized the Fire Department took safety measures and was in support of the application.

Commissioner Dilip Trivedi asked for an explanation of containment measures in the event of an explosion.

Mr. Garcia responded the Fire Department would be provided with an emergency management plan and have to comply with Fire Department conditions. There are foam cannons, so that within 15 seconds, if something starts, the foam would suppress a fire. All of the tanks were within a containment system. The site was designed by people who were familiar with the tank farm industry, the biodiesel fuel industry, and Ralph Jensen Associates was probably one of the premiere fire safety companies that provides reports to the Fire Department for review.

Commissioner Trivedi asked if the safety measures on this project, were the same as those on other similar sites in the valley.

Mr. Garcia responded he was not aware of what measures other sites used.

Commissioner Trivedi felt biodiesel was necessary and was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

Item No. 19 was heard next.

18. **UN-35-07 (35360) SELECT BUILD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SELECT BUILD ON BEHALF OF SOUTHWEST LAND DEVELOPMENT, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW TWO (2) TEMPORARY BUILDINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF REGENA AVENUE AND RANGE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-29-501-010. (CONTINUED JUNE 11, 2008)**

It was requested by the applicant to withdraw UN-35-07 without prejudice.

ACTION: WITHDRAWN

Item No. 7 was heard next.

19. **T-1319 (35590) NORTH 5TH RETAIL. AN APPLICATION SUBMITTED BY RED ROCK ENGINEERS ON BEHALF OF FURLANO-PAMPY TRUST AND NORTH 5TH RETAIL, PROPERTY OWNERS, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT FOR A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT 520 EAST REGENA AVENUE AND 590 EAST REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-101-005 AND 124-26-101-006. (CONTINUED JUNE 25, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained the application was in compliance with the zoning ordinance; therefore, Staff was recommending approval of T-1319 subject to the following conditions:

The applicant was not present for comment.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

20. ZOA-06-08 (35605) SPEEDWAY AMENDMENT ZOA (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY NEVADA POWER COMPANY TO AMEND TITLE 17 (SECTIONS 17.20.010 (B), 17.20.020 (B), 17.20.030 (B), 17.20.040 (B), 17.20.050 (B), 17.20.060 (B), 17.20.070 (B), 17.20.080 (B), 17.20.090 (B), 17.20.100 (B), 17.20.110 (B), 17.20.120 (B), 17.20.130 (B) AND 17.20.210 REGARDING ELECTRICAL POWER TRANSMISSION LINES AND SUBSTATIONS; AND TO PROVIDE FOR OTHER MATTERS PROPERTY RELATED THERETO. (CONTINUED JUNE 25, 2008)

The application was presented by Robert Eastman, Principal Planner who explained the application was to amend the zoning ordinance by removing any reference to the 1999 Comprehensive Plan, changing the language to say "The Comprehensive Plan"; therefore, as the Comprehensive Plans change, the zoning ordinance would remain in agreement with the proposed changes when the maps and plans change. When Staff was reviewing the application, they noticed PSP was omitted and to be consistent, the language was also added to the PSP. Staff was recommending ZOA-06-08 be approved and forwarded to City Council for final consideration with the following recommended amendments:

Text to be deleted:

Electrical power transmission poles and lines, if they are within the utility corridors and within the voltage limits identified in Figure 43 of the utilities element of the 1999 Comprehensive Plan. If the poles and lines are not within such utility corridors, they shall be subject to subsection C of this section

from Sections:

17.20.010.B (Open Land District, O-L),
17.20.020.B (Ranch Estates District, R-E),
17.20.030.B (Ranch Estates Limited District, R-EL),
17.20.040.B (Single-Family Residential District, R-1),
17.20.050.B (Single-Family Compact Lot Residential District, R-CL),
17.20.060.B (Two-Family Residential District, R-2),
17.20.070.B (Multi-Family Residential District, R-3),
17.20.080.B (High Density Residential District, R-4),
17.20.090.B (Professional Office Commercial District, C-P),
17.20.100.B (Neighborhood Commercial District, C-1),
17.20.110.B (General Commercial District, C-2),
17.20.120.B General Service Commercial District, C-3), and
17.20.130.B (Business Park Industrial District, M-1)

Text to be added:

Electrical power transmission poles and lines, as identified in the Comprehensive Plan. Electrical power transmission poles and lines not identified within the Comprehensive Plan, and all substations shall be subject to subsection C of this section.

to Sections:

17.20.010.B (Open Land District, O-L),
17.20.020.B (Ranch Estates District, R-E),
17.20.030.B (Ranch Estates Limited District, R-EL),
17.20.040.B (Single-Family Residential District, R-1),
17.20.050.B (Single-Family Compact Lot Residential District, R-CL),
17.20.060.B (Two-Family Residential District, R-2),
17.20.070.B (Multi-Family Residential District, R-3),
17.20.080.B (High Density Residential District, R-4),
17.20.085.B (Public / Semi-Public District, PSP)
17.20.090.B (Professional Office Commercial District, C-P),
17.20.100.B (Neighborhood Commercial District, C-1),
17.20.110.B (General Commercial District, C-2),
17.20.120.B General Service Commercial District, C-3), and
17.20.130.B (Business Park Industrial District, M-1)

Gary Leibold, 7425 Peak Drive, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Marc Jordan announced to the Commission that Frank Fiori had been appointed Director of Planning and Zoning.

Robert Eastman let the Commission know there would be a Focus Group Meeting Wednesday, July 16, 2008 from 11:00 a.m. to 2:00 p.m. to discuss the Title 17 rewrite. He also indicated Clarion would be holding a workshop for City Council at 4:30 p.m. July 16, 2008 regarding the Title 17 rewrite.

CHAIRMAN'S BUSINESS

Commissioner Dean Leavitt thanked Commissioners Brown and Trivedi for their service as Chairman and Vice-Chairman during the past year and also congratulated the newly appointed Chairman, Angelo Carvalho and Vice-Chairman, Harry Shull.

Commissioner Leavitt recommended a second Public Forum be added to the Planning Commission Agenda. The Commission agreed to add a second Public Forum.

Commissioner Leavitt indicated he and Chairman Carvalho were involved with the committee on the Sheep Mountain Transportation Corridor Study and would report back with the progress.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

APPROVED: August 13, 2008

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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