

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

October 10, 2007

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

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

STAFF PRESENT: Jory Stewart, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Mary Aldava, Senior Planner
Nick Vaskov, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works
Janice Carr, Fire Department
Rodriguez, Police Department
Louise Steeps, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Steve Brown

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jo Cato

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 12, 2007.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-100-07 (32374) TRUCK WORKZ, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TRUCK WORKZ ON BEHALF OF KANAN COMPANY, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 2655 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-014.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to install accessory parts to trucks, specifically lift kits. The use is within an industrial center that already had one other auto service facility approved, as well as other retail uses. The applicant has not shown they plan to have outside storage as part of the use, so any vehicles would have to be stored within the building. Staff was recommending approval of UN-100-07 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That the development comply with the Industrial Design Guidelines and Development Standards.
3. All truck parts installations shall be conducted within the building.
4. The outside storage of vehicles shall be prohibited.
5. The applicant shall submit a traffic study update for review and approval.

Deven Hallum, 5804 Calm Lagoon indicated he concurred with Staff recommendation and explained the work done was not mechanical and dealt mostly with new car dealerships and was on a per-car basis and there were no hazardous chemicals used. Vehicles were usually completed and returned the same day, so storage would not be an issue.

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

- **Robert Webber, 2645 West Cheyenne Avenue, North Las Vegas, N V 89032** indicated he owned the building immediately adjacent to the proposed use and was concerned if there was a significant turnover of vehicles, there would not be enough parking.

Mr. Hallum explained with his type of business there would not be an issue with parking as there was a pick-up service for the dealerships, where one vehicle is picked up at a time and he has two employees.

Commissioner Jo Cato asked if the work would be performed in the parking lot or inside the building. Mr. Hallum indicated the work would be performed inside the building.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

2. UN-102-07 (32395) THE MYSTIC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TEMPLETON DEVELOPMENT ON BEHALF OF FORT CHEYENNE HOLDING, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW THE EXPANSION OF AN EXISTING GAMING FACILITY (CASINO). THE PROPERTY IS LOCATED AT 2428 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-11-816-019 AND 139-11-816-020.

The application was presented by Marc Jordan, Planning Manager who explained the use permit was to expand and enhance an existing casino. The applicant was proposing to expand the casino operation in the portion of the building within the Gaming Enterprise District. The applicant was also proposing some exterior facade improvements and indicated they were planning something that would be similar and compatible with the commercial development to the south. Staff had no objection to the use permit provided everything stayed within the existing Gaming Enterprise District. The original site plan showed the entire building, but the northern end of the building, was not within the Gaming Enterprise District; therefore, they could not expand into that area without getting the Gaming Enterprise District amended. Staff was recommending approval subject to the conditions listed in the revised memorandum dated October 10, 2007 as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The casino expansion shall be limited to the existing area within the building that is delineated by the approved Gaming Enterprise District Overlay. Any expansion beyond this area shall require Planning Commission and City Council review and approval.
3. The parking lot shall contain staggered landscape diamonds of 5 feet x 5 feet for every three parking spaces, and a six (6) foot wide landscape island at the end of each row. Each landscape diamond shall contain one, 24-inch box tree. All landscape islands shall contain two (2), 24-inch box trees. All planter areas shall contain 60% ground cover within two years of maturity. Landscaping shall be installed at the time a unified commercial property association (when the association is functioning and paying dues) for the shopping center is established or sooner if other means would allow the installation of said landscaping.
4. The remodeling of the exterior facade of the casino and the interior casino expansion shall commence concurrently, but must be substantially complete prior to the issuance of a building "Certificate of Occupancy" for the casino expansion.

5. All previously approved use permits for the casino shall become null and void after the completion of construction for the interior casino expansion and remodeling as approved by UN-102-07.
6. Should the licensee for the casino discontinue operation of the business, the license is valid for a time period of no more than three (3) months, unless otherwise approved by the City Council, and for a time period of no more than twelve (12) months. Once the casino is not licensed for gaming, the establishment has an additional eighteen (18) months to re-establish its license and use and retain its nonconforming non-restricted gaming status. At no time shall the casino discontinue operation for a period greater than thirty (30) months and be eligible to retain its nonconforming non-restricted gaming status.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans or as otherwise required by the Director of Public Works.
8. The two driveways on Cheyenne Avenue adjacent to your building are to be re-constructed to meet the Commercial Driveway standard when a unified commercial property association (when the association is functioning and paying dues) for the shopping center is established. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 226, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. The applicant shall submit a parking study for review and approval.
10. Fire lanes shall be provided located in accordance with the Fire Code requirements.
11. Fire access lanes shall be designed accordance with the Fire Code requirements.
12. Fire lanes shall be marked to prohibit parking accordance with the Fire Code requirements.
13. Turning radii along the fire lane shall be designed in accordance with the Fire Code.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant and indicated they had been working with Staff regarding expansion of the operation. He requested that Condition No. 3 be amended to allow the landscape diamonds every six parking spaces, as they would like to provide more landscaping in the diamond area than what was requested by Staff and would also be better from a security standpoint. Other than the requested amendment to Condition No. 3, he concurred with Staff recommendation.

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

- **Joseph Bahel of Poker Palace Casino, 2757 Las Vegas Boulevard North, North Las Vegas, NV 89030** indicated he was opposed to the application and asked that it be tabled until he could look into it further.

Commissioner Dean Leavitt was in favor of the project and felt it would enhance the area.

Commissioner Ned Thomas asked if the landscape improvements would extend to Civic Center Drive. Mr. Gronauer responded, because of the legal issues with the property, there was a mechanism in the condition that when the commercial association was functioning and paying dues, the area would be landscaped and improved. He explained Templeton Development generally provided lush landscaping on their projects.

Commissioner Dilip Trivedi explained the trees were to provide shade for the vehicles and if the spacing was increased, the shade would be lost, even if the intensity of the landscaping was increased.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS LISTED IN REVISED MEMORANDUM DATED OCTOBER 10, 2007; FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

3. UN-103-07 (32399) CAMINO AL NORTE OFFICE PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARY E. WISE ON BEHALF OF CAMINO AL NORTE VENTURES LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A HEALTH FITNESS CENTER. THE PROPERTY IS LOCATED AT 5181 CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-718-004.

The application was presented by Marc Jordan, Planning Manager who explained Health Fitness Center were now an allowed use in the C-P, Professional Office Commercial District, providing they did not exceed 3,000 square feet in size. The applicant was proposing an area that was approximately 1260 square feet and was consistent with the Commercial Office Development currently at that location. Staff was recommending that UN-103-07 be approved subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The applicant shall submit a traffic study update for review and approval.

Commissioner Dilip Trivedi explained he was working on an unrelated project for the property owner but did not feel it would affect his judgement on this application.

Mary Wise, 4121 Narada Falls Avenue, North Las Vegas, NV 89085 and Chat Patel, 2610 West Horizon Ridge Parkway, Henderson, NV 89052 appeared on the application. Ms. Wise asked for the Commission's approval. Mr. Patel asked for Condition No. 2 to be deleted, as he did not feel it was necessary to have a traffic study update. The occupant load would be a maximum of 20, and six of the buildings were currently empty.

Eric Hawkins of Public Works stated a traffic study had previously been done for the development and the condition was there because the land use was different and could generate more traffic than the original study projected; however, since the business was only 1,260 square feet, the use would probably not generate more traffic and felt Condition No. 2 could be deleted.

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

Chairman Brown closed the Public Hearing.

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

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

4. **VAC-19-07 (32305) CREEKSIDE PHASE II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PANATTONI CONSTRUCTION, ON BEHALF OF JOHN DOLMAYAN, PROPERTY OWNER, TO VACATE A DRIVEWAY AND A PORTION OF PUBLIC RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF WASHBURN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-313-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was constructing a convenience food store with gas pumps along with a few other commercial uses and moving the driveway to a different location would provide better access and circulation for the project. Staff was recommending that VAC-19-07 be approved subject to the following condition:

1. The vacation must be recorded concurrent with the new driveway dedication. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

Samantha Porter, 3321 North Buffalo Suite 200, Las Vegas, NV 89129 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

5. **ZN-112-07 (32396) NORTH 5TH/VERDE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY POLO HOMES ON BEHALF OF CAK LP, N LAS VEGAS II LLC, SERENE INVESTMENTS AND FNF FAMILY TRUST ETAL, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT AND AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF NORTH 5TH STREET AND VERDE WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-803-003 THROUGH 124-34-803-007.**

It was requested by the applicant to continue ZN-112-07 indefinitely.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

6. UN-76-05 (32285) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GULZAR KULAR ON BEHALF OF BOUQUET INC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW A CONVENIENCE FOOD RESTAURANT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.

Commissioner Dilip Trivedi explained he had previously worked on the proposed project, but was not currently involved with it and would be abstaining.

Commissioner Dilip Trivedi left Chambers at 6:31 p.m.

Item Nos. 6 through 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the applications were previously approved and the proposed uses were still appropriate at the intersection and the corner; therefore, the requested extension was appropriate. The proposed site plan was slightly modified from what was previously approved; however, was in general conformance with the Design Standards. The buildings meet the architectural requirements, the amount of off-street parking was adequate and there was one small design change needed to adequately address the queuing for the convenience food restaurant; however, Staff felt that was minor and was recommending approval of all four applications. Staff recommends that UN-76-05 be approved subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The proposed site plan and all buildings shall comply with the Commercial Development Standards and Design Guidelines including, but not limited to:
 - a. Six (6) feet of foundation landscaping shall be provided along any facade featuring a customer entrance.
 - b. All buildings on the site shall be coherently designed and constructed with the same materials and colors.
 - c. A landscaped berm or decorative block wall with a minimum height of 3' above finished grade shall be provided on Commerce Street and Centennial Parkway to screen parking.

3. The perimeter landscaping for the site shall be provided in the first phase of the development.
4. The five (5) foot sidewalk on Centennial Parkway shall be located above the drainage structure to allow perimeter trees to be located a minimum of five (5) feet from the drainage structure.
5. The sidewalk along Commerce Street shall be meandering.
6. The drive aisle shall be established in the proper direction.
7. Minimum of five (5) queuing spaces shall be provided.
8. With the approval of this extension of time, VN-13-06 shall be null and void.
9. With the approval of this extension of time, the amended site plan (Exhibit A) approved by the Planning Commission on April 26, 2006, shall be null and void.
10. This extension of time shall expire on August 24, 2009.
11. The Temporary Construction Easement for the Centennial Parkway Channel must be granted within 90 days of approval by the Planning Commission.
12. The civil improvement plans must show the drainage easement adjacent to Centennial Parkway.
13. No tree(s) shall be planted within five feet either side of the box culvert that is to be constructed within the drainage easement along the north side of Centennial Parkway.
14. 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.B:
 - a. Commerce Street
 - b. Centennial Parkway
15. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Commerce Street and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
16. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street. It is suggested that the applicant

provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.

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. Approval of a traffic study, including a queuing analysis, is required prior to submittal of the civil improvement plans.
21. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Commerce Street.
22. 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.
23. 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.
24. The property owner is required to grant a roadway easement for commercial driveway(s).
25. The property owner is required to sign a restrictive covenant for utilities.
26. 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.
27. A revocable encroachment permit for landscaping within the public right of way is required.

28. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
29. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
30. 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.
31. Fire access lanes shall be designed in accordance with Fire Code requirements.
32. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

Michael Bradshaw, 3753 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation and understood there was work to be done on the site plan.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Vice-Chairman Trivedi

7. UN-77-05 (32283) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GULZAR KULAR ON BEHALF OF BOUQUET INC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT (DRIVE-THROUGH) IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.

Commissioner Dilip Trivedi explained he had previously worked on the proposed project, but was not currently involved with it and would be abstaining.

Item Nos. 6 through 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the applications were previously approved and the proposed uses were still appropriate at the intersection and the corner; therefore, the requested extension was appropriate. The proposed site plan was slightly modified from what was previously approved; however, was in general conformance with the Design Standards. The buildings meet the architectural requirements, the amount of off-street parking was adequate and there was one small design change needed to adequately address the queuing for the convenience food restaurant; however, Staff felt that was minor and was recommending approval of all four applications. Staff recommends that UN-77-05 be approved subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The proposed site plan and all buildings shall comply with the Commercial Development Standards and Design Guidelines including, but not limited to:
 - a. Six (6) feet of foundation landscaping shall be provided along any facade featuring a customer entrance.
 - b. All buildings on the site shall be coherently designed and constructed with the same materials and colors.
 - c. A landscaped berm or decorative block wall with a minimum height of 3' above finished grade shall be provided on Commerce Street and Centennial Parkway to screen parking.
3. The perimeter landscaping for the site shall be provided in the first phase of the development.

4. The five (5) foot sidewalk on Centennial Parkway shall be located above the drainage structure to allow perimeter trees to be located a minimum of five (5) feet from the drainage structure.
5. The sidewalk along Commerce Street shall be meandering.
6. Minimum of five (5) queuing spaces shall be provided.
7. This extension of time shall expire on August 24, 2009.
8. The Temporary Construction Easement for the Centennial Parkway Channel must be granted within 90 days of approval by the Planning Commission.
9. The civil improvement plans must show the drainage easement adjacent to Centennial Parkway.
10. No tree(s) shall be planted within five feet either side of the box culvert that is to be constructed within the drainage easement along the north side of Centennial Parkway.
11. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Commerce Street
 - b. Centennial Parkway
12. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Commerce Street and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. 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.

16. 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.
17. Approval of a traffic study, including a queuing analysis, is required prior to submittal of the civil improvement plans.
18. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Commerce Street.
19. 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.
20. 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.
21. The property owner is required to grant a roadway easement for commercial driveway(s).
22. The property owner is required to sign a restrictive covenant for utilities.
23. 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.
24. A revocable encroachment permit for landscaping within the public right of way is required.
25. 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.
26. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
27. 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.
28. Fire access lanes shall be designed in accordance with Fire Code requirements.

29. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

Michael Bradshaw, 3753 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation and understood there was work to be done on the site plan.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Vice-Chairman Trivedi

8. **UN-78-05 (32284) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GULZAR KULAR ON BEHALF OF BOUQUET INC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW AN AUTOMOBILE SERVICE FACILITY IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.**

Commissioner Dilip Trivedi explained he had previously worked on the proposed project, but was not currently involved with it and would be abstaining.

Item Nos. 6 through 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the applications were previously approved and the proposed uses were still appropriate at the intersection and the corner; therefore, the requested extension was appropriate. The proposed site plan was slightly modified from what was previously approved; however, was in general conformance with the Design Standards. The buildings meet the architectural requirements, the amount of off-street parking was adequate and there was one small design change needed to adequately address the queuing for the convenience food restaurant; however, Staff felt that was minor and was recommending approval of all four applications. Staff recommends that UN-78-05 be approved subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The proposed site plan and all buildings shall comply with the Commercial Development Standards and Design Guidelines including, but not limited to:
 - a. Six (6) feet of foundation landscaping shall be provided along any facade featuring a customer entrance.
 - b. All buildings on the site shall be coherently designed and constructed with the same materials and colors.
 - c. A landscaped berm or decorative block wall with a minimum height of 3' above finished grade shall be provided on Commerce Street and Centennial Parkway to screen parking.
3. The perimeter landscaping for the site shall be provided in the first phase of the development.

4. The five (5) foot sidewalk on Centennial Parkway shall be located above the drainage structure to allow perimeter trees to be located a minimum of five (5) feet from the drainage structure.
5. The sidewalk along Commerce Street shall be meandering.
6. The service bays for the lube and tune facility shall be provided along the north side of the building rather than the south side of the building as shown on the submitted site plan.
7. This extension of time shall expire on August 24, 2009.
8. The Temporary Construction Easement for the Centennial Parkway Channel must be granted within 90 days of approval by the Planning Commission.
9. The civil improvement plans must show the drainage easement adjacent to Centennial Parkway.
10. No tree(s) shall be planted within five feet either side of the box culvert that is to be constructed within the drainage easement along the north side of Centennial Parkway.
11. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Commerce Street
 - b. Centennial Parkway
12. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Commerce Street and Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.

15. 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.
16. 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.
17. Approval of a traffic study, including a queuing analysis, is required prior to submittal of the civil improvement plans.
18. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Commerce Street.
19. 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.
20. 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.
21. The property owner is required to grant a roadway easement for commercial driveway(s).
22. The property owner is required to sign a restrictive covenant for utilities.
23. 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.
24. A revocable encroachment permit for landscaping within the public right of way is required.
25. 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.
26. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.

27. 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.
28. Turning radii along the fire access lane will be designed in accordance with the Fire Code.
29. Fire access lanes will be designed in accordance with Fire Code requirements.

Michael Bradshaw, 3753 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation and understood there was work to be done on the site plan.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Vice-Chairman Trivedi

9. **UN-79-05 (32286) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GULZAR KULAR ON BEHALF OF BOUQUET INC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.**

Commissioner Dilip Trivedi explained he had previously worked on the proposed project, but was not currently involved with it and would be abstaining.

Item Nos. 6 through 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the applications were previously approved and the proposed uses were still appropriate at the intersection and the corner; therefore, the requested extension was appropriate. The proposed site plan was slightly modified from what was previously approved; however, was in general conformance with the Design Standards. The buildings meet the architectural requirements, the amount of off-street parking was adequate and there was one small design change needed to adequately address the queuing for the convenience food restaurant; however, Staff felt that was minor and was recommending approval of all four applications. Staff recommends that UN-79-05 be approved subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The proposed site plan and all buildings shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to:
 - a. Six (6) feet of foundation landscaping shall be provided along any facade featuring a customer entrance.
 - b. All buildings on the site shall be coherently designed and constructed with the same materials and colors.
 - c. A landscaped berm or decorative wall with a minimum height of 3' above finished grade shall be provided on Commerce Street and Centennial Parkway to screen parking.
3. The perimeter landscaping for the site shall be provided in the first phase of the development.

4. The five (5) foot sidewalk on Centennial Parkway shall be located above the drainage structure to allow perimeter trees to be located a minimum of five (5) feet from the drainage structure.
5. The sidewalk along Commerce Street shall be meandering.
6. Recessed “can” lighting shall be provided in the gas pump canopy.
7. This extension of time shall expire on August 24, 2009.
8. The Temporary Construction Easement for the Centennial Parkway Channel must be granted within 90 days of approval by the Planning Commission.
9. The civil improvement plans must show the drainage easement adjacent to Centennial Parkway.
10. No tree(s) shall be planted within five feet either side of the box culvert that is to be constructed within the drainage easement along the north side of Centennial Parkway.
11. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Commerce Street
 - b. Centennial Parkway
12. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Commerce Street and Centennial Parkway per the *Uniform Standard Drawings for Public Works’ Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Centennial Parkway near Commerce Street. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works’ Construction Off-Site Improvements* Drawing Number 234.3.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. 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.

16. 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.
17. Approval of a traffic study, including a queuing analysis, is required prior to submittal of the civil improvement plans.
18. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway and Commerce Street.
19. 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.
20. 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.
21. The property owner is required to grant a roadway easement for commercial driveway(s).
22. The property owner is required to sign a restrictive covenant for utilities.
23. 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.
24. A revocable encroachment permit for landscaping within the public right of way is required.
25. 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.
26. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
27. 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.

28. Turning radii along the fire access lane will be designed in accordance with the Fire Code.
29. Fire access lanes will be designed in accordance with Fire Code requirements.

Michael Bradshaw, 3753 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation and understood there was work to be done on the site plan.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Vice-Chairman Trivedi

Commissioner Dilip Trivedi returned to Chambers at 6:35 p.m.

10. UN-99-07 (32290) PARKING LOT AT NRC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR A USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A PARKING LOT AT THE SOUTHEAST CORNER OF BRUCE STREET AND STANLEY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-23-812-001 AND 139-23-812-024.

The application was presented by Robert Eastman, Principal Planner who explained the use permit was for overflow parking for the neighborhood recreation center located at Bruce Street and Stanley Avenue and the City discovered parking for the Recreation Center was not adequate. The site was small and was originally two single-family residential lots, with a portion removed for an expansion of the right-of-way, so the lots were smaller and would make residential development difficult; therefore, the applicant requested a number of waivers to reduce the landscaping buffers along the perimeters of the site. The applicant was proposing one 12' wide one-way drive with angle parking to provide the maximum amount of parking on the site. Because of that, the landscape buffer was reduced to 5 ½' along the eastern property adjacent to the homes and slightly greater than a 2 ½' buffer along Bruce Street and the applicant was proposing to landscape that with plant material that would be able to grow in that reduced area to provide a buffering hedge for the parking. Because of the size of the lots and the difficulty with development of the site, Staff was in support of all three waivers and were recommending approval of the use permit subject to the following conditions:

1. That, unless expressly authorized through a waiver, variance or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the design, including but not limited to the wrought-iron, of the existing block wall (adjacent to 1304 Webb Avenue) be continued for the new block wall (adjacent to 1305 Stanley Avenue.) The new wall shall be a minimum six (6) feet in height, shall be constructed on the property line and shall include the same materials, colors and block pattern.
3. The development of this site shall be in compliance with the Commercial Development Standards and Design Guidelines, with the exception of the following:
 - a. that a minimum five feet, five inches (5'-5") of landscaping be provided along the eastern property line. In addition to the required shrubs, 24-inch-box evergreen trees shall be planted not greater than 15 feet on-center.

- b. that, in-lieu of a berm or decorative wall measuring three feet in height along Bruce Street, a hedge of evergreen shrubs shall be provided. The shrubs shall be of a variety that grow to a minimum three feet (3.00') in height within two years. In addition to the hedge identified on the site plan, a minimum two shrubs shall be provided for every parking space and shall generally be aligned with anticipated headlights of a standard vehicle occupying the parking space. Additional shrubs shall be provided in accordance with the requirements set forth in the Commercial Development Standards and Design Guidelines.
 - c. that a minimum 2'-7" of landscaping be provided along the Bruce Street frontage instead of the required 20 feet of landscaping.
4. In addition to other required landscape materials, evergreen trees shall be planted twenty (20) feet on-center along the east and west property lines.
5. All parking spaces shall meet a minimum two-foot, six-inch (2'-6") setback from adjacent rights-of-way.
6. All parking spaces shall be standard-size stalls. No compact parking spaces are allowed.
7. If on-site lighting is determined to be necessary and part of this project, a photometric lighting plan, prepared and stamped by a Nevada-licensed electrical engineer, shall be submitted for review and approval prior to installation of any on-site lights. Lighting standards shall not exceed 20.0 feet in height and foot-candle readings at the property lines shall not exceed 0.5 fc.
8. A merger and consolidation map shall be recorded to combine the two parcels into one prior to use of the parking lot.
9. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 226.
10. The existing driveways on Bruce Street shall be removed, and replaced with curb & gutter, and sidewalk.
11. 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.

John Jones, Landscape Architect with North Las Vegas Parks and Recreation Department, 1638 North Bruce Street, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he concurred with Staff recommendation and asked if Condition No. 8 was a standard condition and indicated a consultant would need to be hired to satisfy the condition.

Jennifer Doody of Public Works explained that was usually a normal requirement, but the wording could be added, "or as otherwise directed by the Director of Public Works" and could be worked out in the development stage, whether or not it was necessary.

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

- **Herman Nelson, 1633 Bruce Street, North Las Vegas, NV 89030** was opposed to the application

Chairman Brown closed the Public Hearing.

Commissioner Ned Thomas asked under what circumstances lighting mentioned in Condition No. 7 would be necessary.

Mr. Jones explained lighting the parking lot would make it safe at night and light standards would be put along the property line that would shine toward the parking lot and shield any spill light from the adjacent homes.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

11. **VAC-21-07 (32390) BROADSTONE SONATA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALLIANCE RESIDENTIAL COMPANY ON BEHALF OF LAMB & CRAIG LLC, PROPERTY OWNER, TO VACATE AN EXISTING 20-FOOT PUBLIC DRAINAGE EASEMENT COMMENCING AT VANDENBERG LANE AND PROCEEDING EAST APPROXIMATELY 105 FEET. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND VANDENBERG LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-601-002, 140-06-611-002, 140-06-701-027 AND 140-06-714-002.**

The application was presented by Robert Eastman, Principal Planner who explained the existing drainage easement was originally dedicated as part of the existing industrial development and since that time, an application for multi-family has been approved on the site, so the drainage easement was no longer necessary. Staff was recommending approval of VAC-21-07 subject to the following condition:

1. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

Samantha Porter, 3321 North Buffalo Drive, Suite 200, Las Vegas, NV 89129 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

12. UN-122-06 (32397) FIRESTONE BUILDING PRODUCTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRESTONE BUILDING PRODUCTS, ON BEHALF OF PROLOGIS TRUST, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF AN ADDITIONAL 13,142 GALLONS OF HAZARDOUS MATERIALS (ROOFING ADHESIVE) TOTALING APPROXIMATELY 27,142 GALLONS. THE PROPERTY IS LOCATED AT 4272 CORPORATE CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-01-810-009.

The application was presented by Mary Aldava, Senior Planner who explained in January, 2007 City Council approved the original permit for the storage of hazardous materials of up to 14,000 gallons and with the requested amendment, storage would be increased to 27,142 gallons. At this time, no comments have been received from any outside agencies; however, Staff received one letter of opposition from Mr. Angelo Garrari, the owner of Unit No. 6 at 4300 North Pecos Road. The Fire Department and the Planning and Zoning Department have no objection to the proposed use; therefore, Staff was recommending approval of UN-122-06 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 special use permit is site specific and non-transferable;
3. That any expansions to the proposed use shall be subject to City Council review and approval;
4. The development of this site shall be in compliance with the Industrial Development Standards.
5. That this use permit must comply with the conditions of approval for SPR-59-05.
6. Hazardous materials in excess of the exempt amounts as defined and determined in the adopted Fire Code shall not be used or stored until such time as the building can be shown to comply with the adopted building and fire codes and associated National Fire Protection Association standards.
7. A revised Hazardous Materials Management Plan (HMMP) is to be submitted to the City for approval of the Fire Department prior to bringing the increased quantity of hazardous materials on site.

8. Provide biometric locking system to secure the hazardous materials and security cameras to monitor the area.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation, but was concerned with Condition No. 8. He was not sure what a biometric locking system was and asked that it be removed from the condition as he felt there might be some invasion of privacy issues.

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

Chairman Brown closed the Public Hearing.

Commissioner Ned Thomas felt Condition Nos. 6 and 7 were the most important and suggested that Condition No. 7 be amended to read: "A revised Hazardous Materials Management Plan (HMMP) shall be submitted and approved by the City of North Las Vegas Fire Department prior to bringing increased quantity of hazardous materials on site."

Janice Carr of the Fire Department indicated the Fire Department had no objection to the change.

Commissioner Dean Leavitt asked Jose Rodriguez of the Police Department to explain what the biometric locking system was.

Jose Rodriguez of the Police Department explained the biometric locking system did not have to be as sophisticated as a retinal scan or finger print. It could be as simple as key code, key fob, or card swipe which could record employee information as to what employee accessed the materials and at what time.

Commissioner Leavitt asked if the condition was being imposed due to the amount of hazardous materials being stored.

Mr. Rodriguez responded it was being requested just due to the fact it was hazardous materials and explained it was a new school of thought that whenever you were dealing with hazardous materials, and also due to 9/11, they wanted to do a better job of tracking and were taking better measures to accomplish that.

Chairman Steve Brown asked if this would be a new policy used by the Police Department with all hazardous storage. Mr. Rodriguez responded it would. He also suggested the word "biometric" be deleted from Condition No. 8.

Mr. Gronauer indicated he would work with the Police Department before the application was heard by City Council, to determine the security system that would be in place was acceptable.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 7 AND 8 AMENDED TO READ:

7. A REVISED HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP) SHALL BE SUBMITTED AND APPROVED BY THE CITY OF NORTH LAS VEGAS FIRE DEPARTMENT PRIOR TO BRINGING THE INCREASED QUANTITY OF HAZARDOUS MATERIALS ON SITE.
8. PROVIDE LOCKING SYSTEM TO SECURE THE HAZARDOUS MATERIAL AND SECURITY CAMERAS TO MONITOR THE AREA.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

13. SPR-48-07 (32381) ENRIQUEZ RESIDENCE. AN APPLICATION SUBMITTED BY TERESO ENRIQUEZ, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-EL, RANCH ESTATES LIMITED DISTRICT TO ALLOW A SINGLE-FAMILY DWELLING ON A 7,650- SQUARE- FOOT LOT WHERE 10,000 SQUARE FEET IS THE MINIMUM LOT AREA REQUIRED. THE PROPERTY IS LOCATED AT 3304 KEMP STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-08-810-076.

The application was presented by Mary Aldava, Senior Planner who explained, according to the site plan submitted, the applicant meets all set-backs required for the R-EL, Ranch Estates Limited District. The applicant was also requesting a waiver to eliminate the required 15 feet of landscaping adjacent to Cole Street and indicated that the single-family dwelling located to the east of the site did not have corner lot landscaping; however, that home was built in 1975 and corner lot landscaping was not required at that time. In June, 2007 the Planning Commission approved two other site plan reviews within Carlton Square and those homes were required to provide corner lot landscaping. There are currently 27 other corner lots that have not been developed in Carlton Square and Staff sees these applications as the opportunity to bring this subdivision into compliance with the Design Standards, which would enhance the neighborhood. Staff was proposing denial of the request for the waiver but were requesting that the applicant provide a five foot landscape area within the ten foot set-back area along Cole Street, so the site plan would not have to be modified, as he needed to provide ten feet corner side set-back. There would be five feet of landscaping and then a perimeter wall and the five foot set-back adjacent to the home. Staff was recommending approval of SPR-48-07 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. The dwelling shall comply with the Single-Family Design Guidelines including but not limited to the following:
 - a. The maintained corner landscaping area shall be a minimum of five (5) feet in width measured from the property line along Cole Street.
3. The covered patio shall not exceed 500 square feet.
4. Dedication of the following right-of-way is required per City of North Las Vegas Municipal Code section 16.24.100:
 - a. Spandrel at Kemp Street and Cole Street
5. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the City of North Las Vegas Municipal Code.

6. The property owner is required to sign a restrictive covenant for off-site improvements.

The applicant was not present for comment.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

14. FDP-09-07 (32263) SPEEDWAY SUBSTATION. AN APPLICATION SUBMITTED BY NEVADA POWER COMPANY, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A NEVADA POWER SUBSTATION. THE PROPERTY IS LOCATED AT 6580 EAST CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 123-22-801-006.

The application was presented by Mary Aldava, Senior Planner who explained the application was for an electrical power substation and the proposed final development plan appeared to be in substantial compliance with the PUD and the conditions associated with ZN-16-98; therefore, Staff was recommending approval of FDP-09-07 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 all conditions of Ordinance #2115 (ZN-16-98).
3. 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. The landscape materials shall be in compliance with the Commercial Development Standards and Design Guidelines, unless otherwise approved in Ordinance Number 2115 (ZN-16-98.)
4. All off-site improvements on Centennial Parkway are required to be completed with the first phase of the project.

Michelle Baltz of Nevada Power Company, 6226 West Sahara Avenue, Las Vegas, NV appeared on behalf of the applicant indicating she concurred with Staff recommendation except for Condition No. 4, which she understood would be deleted.

Ms. Aldava indicated Condition No. 4 would be deleted.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

15. **SPR-28-05 (32373) CRAIG ROAD CONDOS. AN APPLICATION SUBMITTED BY ROBERT F. DAVIS ON BEHALF OF PUEBLOS PARTNERS INC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO WAIVE THE TRASH ENCLOSURE REQUIREMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF VANDENBERG DRIVE AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-722-000 THROUGH 140-06-722-152.**

It was requested by the applicant to continue SPR-28-05 to October 24, 2007.

ACTION: CONTINUED TO OCTOBER 24, 2007

MOTION: Commissioner Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

16. **SPR-44-07 (32278) RED BOX - 3229 LOSEE ROAD. AN APPLICATION SUBMITTED BY RED BOX AUTOMATED RETAIL LLC, ON BEHALF OF MORTONS INVESTMENT GROUP LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE INSTALLATION OF A DVD RENTAL KIOSK ON SITE. THE PROPERTY IS LOCATED AT 3229 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-11-403-002.**

The application was presented by Marc Jordan, Planning Manager who explained Staff had no objection and was recommending approval of SPR-44-07 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all signage associated with this DVD Rental kiosk (eg. Permanent, temporary and/or accessory) be subject to adopted standards outlined in the zoning ordinance. All signage shall be reviewed and approved by the Planning and Zoning Department staff.
3. That all proposed colors and materials for the sign and structure be in concurrence with the existing McDonald's building on site and/or guidelines listed in industrial design standards, subject to review and approval by the Planning and Zoning Department staff.
4. Provide adequate lighting and security cameras around the kiosk, which is subjected to review and approval of the North Las Vegas Police Department.

Damian Hubbard, 7351 West Charleston Boulevard, Suite 120, Las Vegas, NV 89117 appeared on behalf of the applicant explaining the box was a cash-less DVD rental, with each transaction being tracked by a credit card. He asked that Condition No. 2 be amended to read: "That signage be approved as depicted in the application" because the boxes are all identical, as they are purchased as shown. He also asked that Condition No. 4 be deleted, as there was no security issues as the boxes were cash-less and they had not previously had any vandalism.

Jose Rodriguez of the Police Department explained their concern was not with vandalism; but, even though the machines were cash-less, a would-be robber, may not know they were cash-less and to that person it would look like someone was going to an ATM and would have cash, so there was potential for a robbery with customers being victimized.

Mr. Hubbard explained the locations were specifically chosen at each McDonald's to be in an area that was well lit with a lot of traffic to minimize the potential of robberies.

Mr. Jordan indicated Condition No. 2 could be deleted.

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

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

17. SPR-45-07 (32279) RED BOX - 1408 W. CRAIG ROAD. AN APPLICATION SUBMITTED BY RED BOX AUTOMATED RETAIL LLC, ON BEHALF OF GOLDEN ARCH LP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW THE INSTALLATION OF A DVD RENTAL KIOSK ON SITE. THE PROPERTY IS LOCATED AT 1408 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-602-011.

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending approval of SPR-45-07 subject to the following conditions with the deletion of Condition No. 2:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all signage associated with this DVD Rental kiosk (eg. Permanent, temporary and/or accessory) be subject to adopted standards outlined in the zoning ordinance. All signage shall be reviewed and approved by the Planning and Zoning Department staff.
3. That all proposed colors and materials for the sign and structure be in concurrence with the existing McDonald's building on site and/or guidelines listed in commercial design standards, subject to review and approval of the Planning and Zoning Department staff.
4. Provide adequate lighting and security cameras around the kiosk, which is subjected to review and approval of the North Las Vegas Police Department.

Damian Hubbard, 7351 West Charleston Boulevard, Suite 120, Las Vegas, NV 89117 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Commissioner Dilip Trivedi asked if parking was being lost in the process of installing the machines.

Mr. Hubbard explained the machines were being installed in existing sidewalk locations where the sidewalks were wide enough to accommodate them with handicap access.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITIONS NO. 2

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

18. SPR-46-07 (32277) RED BOX - 1003 LAKE MEAD. AN APPLICATION SUBMITTED BY RED BOX AUTOMATED RETAIL LLC, ON BEHALF OF MCDONALD'S CORPORATION, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-A/CR REDEVELOPMENT AREA COMMERCIAL/RETAIL SUBDISTRICT TO ALLOW THE INSTALLATION OF A DVD RENTAL KIOSK ON SITE. THE PROPERTY IS LOCATED AT 1003 EAST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-301-002.

The application was presented by Marc Jordan, Planning Manager who indicated Staff was recommending that SPR-46-07 be denied. He explained the Chevron Facility attached to the McDonald's was open 24 hours per day and the kiosks have been located in grocery stores and in those instances were located within the building; therefore, for security and aesthetic purposes, Staff would like to see the applicant work with the property owner and locate the kiosk inside the convenience store. However, if the Commission desired approval, Staff recommends the following conditions with the deletion of Condition No. 2:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all signage associated with this DVD Rental kiosk (eg. Permanent, temporary and/or accessory) be subject to adopted standards outlined in the zoning ordinance. All signage shall be reviewed and approved by the Planning and Zoning Department staff.
3. That all proposed colors and materials for the sign and structure be in concurrence with the existing McDonald's building on site and/or guidelines listed in commercial design standards, subject to the review and approval of the Planning and Zoning Department staff.
4. Provide adequate lighting and security cameras around the kiosk, which is subjected to review and approval of the North Las Vegas Police Department.

Damian Hubbard, 7351 West Charleston Boulevard, Suite 120, Las Vegas, NV 89117 appeared on behalf of the applicant explaining they had met with Chevron asking them to install the kiosk inside the store but were denied as the business partnership was with McDonald's not with Chevron and without a host of logistical issues, it was not possible. He asked that the application be approved and the kiosk be located closer to the front of the store for security purposes.

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

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

OLD BUSINESS

19. **AMP-10-07 (31960) NORTH 5TH/VERDE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY POLO HOMES ON BEHALF OF N LAS VEGAS II LLC, FNF FAMILY TRUST ETAL, SERENE INVESTMENTS AND CAK LP, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY LOW (UP TO 6 DU/AC) TO MULTI-FAMILY (UP TO 25 DU/AC). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF NORTH 5TH STREET AND VERDE WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-803-003,124-34-803-004,124-34-803-005,124-34-803-006 AND 124-34-803-007. (CONTINUED SEPTEMBER 12, 2007)**

It was requested by the applicant to continue AMP-10-07 indefinitely.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

20. VAC-16-07 (32041) TROPICAL 10 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TROPICAL 10 LLC, PROPERTY OWNER, TO VACATE CORBETT STREET BETWEEN BEESLEY DRIVE AND FANNIN WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-27-301-002 & 123-27-301-003. (CONTINUED SEPTEMBER 26, 2007)

The application was presented by Robert Eastman, Principal Planner who explained the application was approved at the September 26, 2007 meeting in error as the amended vacation application had not been adequately noticed for the public hearing; therefore, the application was renotified and the application was continued to this meeting. Staff was recommending approval of VAC-16-07 subject to the following condition:

1. The vacation is required to record concurrent with the approval of the off-site improvements plans for Tropical Parkway, Beesley Drive, and Fannin Way. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

Toot Bales, 50 South Jones, Las Vegas, NV 89107 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

21. UN-103-05 (32102) CRAIG PAD E PARTNERS LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BUSINESS PROPERTIES GROUP ON BEHALF OF CRAIG PAD E PARTNERS LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A SUPPER CLUB. THE PROPERTY IS LOCATED AT 525 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-314-006. (CONTINUED SEPTEMBER 26, 2007)

The application was presented by Robert Eastman, Principal Planner who explained the applicant previously received a use permit and was now asking for an extension of time; however, there was an existing City park located within 400 feet of the proposed supper club. As such, according to the changes that were now in Title 5 for licensing purposes for any alcoholic use, the site does not comply with the 400 foot separation. Staff was recommending that UN-103-05 be denied, since approval of the use permit would not give the applicant approval for a business license. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. That UN-103-05 is site-specific and non-transferable.
3. That the proposed supper club be limited to no more than 3,100 square feet of indoor public floor area and no more than 1,600 square feet of outdoor dining area, unless additional parking is provided.
4. That the proposed supper club comply with the architectural design of the shopping center.
5. That UN-103-05 comply with all applicable conditions of SPR-27-03 and T-1147.
6. That UN-103-05 shall expire on September 28, 2008.
7. That, prior to application for a building permit, the applicant shall provide a stamped survey from a Nevada-licensed surveyor or engineer that adequately demonstrates compliance with the proximity requirements set forth in the North Las Vegas Municipal Code for the "on-sale" of alcoholic beverages in conjunction with a supper club.

Nick Laventis, 100 Corporate Park Drive, Henderson, NV 89074 appeared on behalf of the applicant giving some history on the project. He pointed out the original conditions of approval had been met, which did not specifically apply to the building. All perimeter site development has been done in compliance with the conditions of approval. Mr. Laventis did not understand the recommendation for denial and indicated between the time the original use permit was issued in October 2003 and subsequent to the denial by City Council of the appeal, the tavern rules in Title 5 had been revised to add distance separation requirements from parks, which was not a requirement at the time the original use permit was submitted and approved. However, they were under the assumption, that no submittal was required, that the use was grand fathered in and the new ordinance that created the separation requirements had a grand fathered in clause for developments that had use permits prior to the adoption of the ordinance. They had gone through the process in September 2005 when the new use permit was approved, the separation requirement was already in effect, so he felt the same reasoning that was behind the denial at this point, would have prevented an approval of the use permit at the time and because of all the changes in the ordinances, time frames for use permits, there was some confusion on exactly what the time frames were that applied to the project. In getting the new use permit, they were under the assumption that the original use permit was actually the time when the entitlement started and only because of a clerical error on information received from the City, was a new use permit number issued. He realized that in addition to the approval of the extension of time, they would need either language added or a reinstatement of the original use permit, as the only reason it had expired was because they were directed not to submit for the extension of time and asked for approval of the extension of time with wording added which would allow the original use permit reinstated along with the recommended conditions.

Commissioner Jay Aston indicated he remembered the application and the applicant came in with a tavern application which was approved on the condition that it be a supper club. He asked the applicant if he had a tenant for the use. Mr. Laventis responded they have marketed the use and had discussions with a couple of operators but nothing had been finalized and was still being marketed.

Commissioner Aston indicated if the application were approved, the use would expire in one year and was concerned a tenant would not be found before it expired. He asked the applicant if Condition No. 3 changed the original intent. Mr. Laventis responded he would request that Condition No. 3 be amended. He explained while negotiating with potential users, they found a need for a 4800 square foot building to an 8,000 square foot building. They did not have a problem with a limitation based on parking and felt the center was over parked. There was a reciprocal parking agreement throughout the center and there was a similar scenario on the convenience store, where, technically, they were one or two spaces short on that site.

Commissioner Aston indicated he was not opposed to an extension of time on the use, as the Commission came to a determination on the original application to approve it as a supper club and would not be opposed to eliminating Condition No. 3.

Commissioner Dilip Trivedi felt the application was approved previously for a supper club and if the applicant intended to build it, it should be completed by this time and felt the applicant was claiming a stake on the property.

Chairman Steve Brown asked if the application was approved, if the applicant had approval for a use that was not possible.

Nick Vaskov Deputy City Attorney felt the issue was that the applicant had an existing use permit that was about to expire and there might be some debate about it, but it seemed the use permit may have been approved in error, in the fact that the distance requirement existed when it was approved; so, Staff might disagree that there was an error, but was not sure if it was approved in error, excused current compliance with the Code. The law generally said that administrative error did not excuse it; but, there were exceptions. For instance if the applicant substantially relied on Staff's erroneous interpretation or an opinion received from Staff. He indicated he spoke to the applicant and was not sure that substantial reliance had been demonstrated and felt that determination should be made by City Council. He stated there was some discretion on Council's part to award the use, despite the Code, but that was dependent on whether they find there has been substantial reliance and what kind of factors they want to look into.

Chairman Brown asked if the application had to go to Council for final consideration.

Deputy City Attorney Vaskov responded there were two options. If the application were denied, the applicant could file an appeal and if the application were approved, he felt Staff would feel an equal obligation to appeal the decision, since the current Code did not allow for it.

Commissioner Dean Leavitt asked if the Commission could send the application forward to City Council with no recommendation. Deputy City Attorney Vaskov responded it could go to City Council with no recommendation.

Commissioner Dilip Trivedi indicated he could have supported the application if there had been a tenant secured for the use.

Deputy City Attorney Vaskov clarified since the use was a supper club and not a tavern, it did not automatically go to Council, so an affirmative vote was needed, either up or down.

Commissioner Harry Shull asked if it was possible to approve the application under the original use permit that pre-dated the change in the ordinance. Deputy City Attorney Vaskov explained the original use permit expired at some point, but there was a use permit that was different than the original one, but seemed to have been approved in error and felt the merits of approving the extension of time could be discussed with Council.

Commissioner Ned Thomas indicated he was inclined to support the application until he heard comments from Counsel and asked the applicant if he had another use that might be appropriate for the site. Mr. Laventis responded they had considered another use for the site.

Commissioner Jo Cato asked the applicant if he had a problem with the square footage on Condition No. 3. Mr. Laventis explained the condition appeared on the application for the extension of time and previously a larger building was shown and the application for the extension of time was a reiteration of what was previously submitted. The building was the same and showed 5100 square feet of indoor area and 1600 square feet for possible patio seating.

Mr. Laventis indicated the plan had always been to build the retail center in the rear and when that was completed and leased the pad sites would be developed subsequent to that so the visibility to the rear of the project would be maintained as long as possible and they had proceeded based on that strategy and the only difference was the convenience store. Based on the Title 5 requirement, he believed renewal of the application would put them in a position where they would not be able to obtain a business license because the use permit being discussed did not pre-date the ordinance, so they needed the use permit that was established in October, 2003 to be reinstated or somehow, the use be tied to that date, as the ordinance was specific that it read that projects that had an existing use permit in place prior to the May, 2004 ordinance were grand fathered in for the alcohol use and he felt alcohol was a critical part of a successful supper club. He explained they had substantially relied on the direction of Staff that the six month time frame was not a requirement, but did not have a letter from Staff to that effect.

Chairman Steve Brown asked the Deputy City Attorney if the Commission had control of reinstating an expired permit.

Deputy City Attorney Vaskov explained if City Council determined the applicant had substantially relied on information provided and vested rights had been obtained, despite the Title 5 requirement, if that was the case, the applicant could still obtain the liquor license, but that would be determined by City Council.

Commissioner Dilip Trivedi asked the applicant if it was possible to continue the application until a tenant was secured. Mr. Laventis did not think that was possible due to the two year time limit on the existing application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 3 AMENDED TO READ:

3. THAT THE PROPOSED SUPPER CLUB BE LIMITED TO NO MORE THAN 5,100 SQUARE FEET OF INDOOR PUBLIC FLOOR AREA AND NO MORE THAN 1,600 SQUARE FEET OF OUTDOOR DINING AREA, UNLESS ADDITIONAL PARKING IS PROVIDED.

MOTION: Commissioner Shull

SECOND: Chairman Brown

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

NAYS: Commissioner Leavitt

ABSTAIN: None

22. **FDP-08-07 (32211) COSTELLO OFFICE WAREHOUSE. AN APPLICATION SUBMITTED BY COSTELLO FAMILY TRUST ETAL, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF ONE (1) RETAIL BUILDING AND TWO (2) OFFICE/WAREHOUSE BUILDINGS. THE PROPERTY IS LOCATED AT 3500 AND 3516 CORAN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-20-202-004 AND 139-20-202-005. (CONTINUED SEPTEMBER 26, 2007)**

It was requested by the applicant to continue FDP-08-07 to October 24, 2007.

ACTION: CONTINUED TO OCTOBER 24, 2007

MOTION: Commissioner Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

23. **SPR-43-07 (32143) CHEYENNE MARKET SQUARE. AN APPLICATION SUBMITTED BY ETHOS THREE ARCHITECTURE ON BEHALF OF SREF/GTIS INVESTLAND LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A WAIVER OF THE FOLLOWING COMMERCIAL DESIGN STANDARDS: 1. BUILDING ORIENTATION REQUIREMENTS 2. PERIMETER LANDSCAPE REQUIREMENTS AND 3. DRIVE APPROACH STANDARDS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CHEYENNE AVENUE AND MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-16-501-001. (CONTINUED SEPTEMBER 26, 2007)**

It was requested by the applicant to continue SPR-43-07 to October 24, 2007.

ACTION: CONTINUED TO OCTOBER 24, 2007

MOTION: Commissioner Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

24. UN-38-07 (29561) QUALITY GARDENS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MELVIN GREEN ARCHITECT LTD ON BEHALF OF MANFRED AND CHERYL POLK, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT (PROPOSED C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT) TO ALLOW A CHILD CARE FACILITY. THE PROPERTY IS LOCATED AT 4008 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-411-008. (CONTINUED AUGUST 8 AND 22 AND SEPTEMBER 26, 2007)

The application was presented by Mary Aldava, Senior Planner who explained the facility was previously a single-family home and there would be a maximum of 72 children. The applicant submitted revised plans which addressed Staff's concerns; therefore, Staff was recommending approval subject to the conditions in the revised memorandum dated October 10, 2007 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances.
2. Must comply with the Commercial Development Standards and Design Guidelines, including but not limited to:
 - a. Building shall be finished in earth tone or neutral colors indigenous to the Las Vegas Valley and its surrounds.
 - b. Rooftop and ground level mechanical and electrical service equipment shall be screened from public view with materials architecturally compatible with the finishes and character of the principle structure within the development.
 - c. The landscaping shall be provided as shown on the site plan.
3. The maximum number of children maintained at this facility shall be 72.
4. The minimum number of parking spaces required shall be twelve (12).
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Decatur Boulevard.
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. Please revise plans to reflect this requirement.

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. The property owner is required to grant a roadway easement for commercial driveway(s).
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. 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.
12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
13. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Cheryl Polk, 4008 North Decatur Boulevard, North Las Vegas, NV indicated she concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS LISTED IN REVISED MEMORANDUM DATED OCTOBER 10, 2007

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

25. **T-1200 (31596) BRUCE & EL CAMPO GRANDE. AN APPLICATION SUBMITTED BY ORIGIN PROPERTIES ON BEHALF OF THE BRADLEY GROUP II LLC, PROPERTY OWNER, FOR APPROVAL OF AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED TENTATIVE MAP IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW 105 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-501-001, 124-35-501-004, 124-35-501-005, 124-35-501-006, 124-35-801-007, 124-35-501-009 AND 124-35-501-010. (CONTINUED AUGUST 8 AND 22 AND SEPTEMBER 12 AND 26, 2007)**

It was requested by the applicant to continue T-1200 to October 24, 2007.

ACTION: CONTINUED TO OCTOBER 24, 2007

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning and Zoning Director Jory Stewart reminded Commissioners of the Study Session November 1, 2007 at 3:30 in the City Council Chambers with the consulting firm of Moore, Iacofano and Goltsman, Inc. (MIG) for the presentation and discussion on the Downtown Master Plan/Investment Strategy.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:46 p.m.

APPROVED: November 14, 2007

/s/ Steve Brown
Steve Brown, Chairman

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