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February 20, 2009

Mr. Bruce Bilyeu
Ahern Carolyn L 1998 SEP
1611 West Bonanza Road
Las Vegas, Nevada 89106

RE: SDR-29879 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF FEBRUARY 18, 2009
RELATED TO GPA-29877, ZON-29878, AND VAR-29881

Dear Mr. Bilyeu:

The City Council at a regular meeting held February 18, 2009 APPROVED the request for a Site Development Plan Review FOR A 3,400 SQUARE-FOOT CONVENIENCE STORE AND CAR WASH WITH FUEL PUMPS AND TWO 3,100 SQUARE-FOOT RESTAURANTS WITH DRIVE-THRU WITH WAIVERS OF THE PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A SIX-FOOT BUFFER ALONG THE SOUTH AND EAST PROPERTY LINES WHERE EIGHT FEET IS REQUIRED AND A SIX-FOOT BUFFER ALONG THE WEST PROPERTY LINE WHERE 15 FEET IS REQUIRED on 1.66 acres on the east side of Oso Blanca Road, approximately 850 feet north of Kyle Canyon Road (APN 126-01-601-016), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: C-2 (General Commercial)]. The Notice of Final Action was filed with the Las Vegas City Clerk on February 19, 2009. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-29881) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Future development of the 5,300 square-foot Restaurant with Drive-Thru will require a Site Development Plan Review.
4. All development shall be in conformance with the site plan and landscape plan date stamped 10/20/08, and building elevations, date stamped 09/09/08, except as amended by conditions herein.

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5. A Waiver from Title 19.12.040(A) is hereby approved, to allow a six-foot wide landscape buffer along the south and east property line where eight feet is required.
6. A Waiver from Title 19.12.040(A) is hereby approved, to allow a six-foot wide landscape buffer along the west property line where 15 feet is required.
7. A Waiver from Title 19.08.050(D)(2)(e)(iii) is hereby approved, to allow the Service Station (without Automotive Repair) to be located at the rear of the site, away from the minimum setback line.
8. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the changes herein: Provide handicap accessible parking in accordance with Title 19.10.010. Provide a loading space in accordance with Title 19.10.020.
9. Any Restaurant with Drive-Thru, 2,000 square feet or greater in size, shall provide each drive-thru service window with a stacking lane which will accommodate at least six cars per lane.
10. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide parking lot screening per Title 19.10.010(J)(11)(d); Provide one additional 24-inch box tree, for a total of 20, 24-inch box trees, along the west perimeter.
11. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
12. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect the west elevation in compliance with the requirements of Title 19.08.050(D)(2)(a)(i).
13. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

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14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Provide a roof or trellis on the trash enclosure which meets the standards of Title 19.08.050(E)(4)(b).
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
17. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
18. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

20. Coordinate with the Nevada Department of Transportation (NDOT) for all work within existing NDOT rights-of-way and controlled-access areas. Obtain appropriate Occupancy Permits for all such work.
21. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Kyle Canyon/U.S. 95 Interchange project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
22. Construct all incomplete half-street improvements on Oso Blanca Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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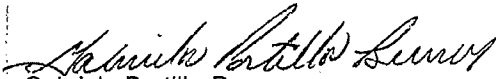
23. Driveways shall be redesigned, located and constructed to meet the approval of the City Traffic Engineering Representative unless otherwise allowed by the City Engineer.
24. Extend oversized public sewer from Tee Pee Lane to the north edge of this site in Oso Blanca Road, to a depth and location acceptable to the Collection System Planning Section of the Department of Public Works, **unless otherwise allowed by the City Engineer**. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the city for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
25. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans or the issuance of any permits. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
26. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
27. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Oso Blanca Road public right-of-way adjacent to this site.
28. Landscape and maintain all unimproved right-of-way, if any, on Oso Blanca Road adjacent to this site. All landscaping and private improvements installed with this project

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shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

29. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

Sincerely,



Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Ms. Kristen Neuman
APTUS Architecture
1200 South 4th Street, Suite #206
Las Vegas, Nevada 89104

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