



March 18, 2010

LAS VEGAS CITY COUNCIL

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Mr. Sam Facchini
Metro Sky Pointe, LLC
4420 South Arville Street, Suite #8
Las Vegas, Nevada 89103

RE: SDR-36941 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF MARCH 3, 2010
RELATED TO VAR-36946

Dear Mr. Facchini:

The City Council at a regular meeting held March 3, 2010 APPROVED the request for a Major Amendment to a previously approved Site Development Plan Review (SDR-18926) FOR A 10,892 SQUARE-FOOT RESTAURANT WHERE A 9,831 SQUARE-FOOT RESTAURANT AND RETAIL BUILDING WAS APPROVED WITH A WAIVER OF TITLE 19.12.040(E) TO ALLOW EXISTING UTILITY BOXES TO BE SET BACK ZERO FEET FROM THE PUBLIC RIGHT-OF-WAY WITH NO LANDSCAPING WHERE A THREE-FOOT LANDSCAPE SETBACK IS REQUIRED AND A WAIVER OF THE TOWN CENTER STREETSCAPE STANDARDS TO ALLOW A ZERO-FOOT AMENITY ZONE ALONG CIMARRON ROAD AND SKY POINTE DRIVE WHERE AMENITY ZONES OF FIVE FEET AND FOUR FEET, RESPECTIVELY, ARE REQUIRED on 1.73 acres at the northwest corner of Cimarron Road and Sky Pointe Drive (APN 125-21-313-003), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on March 4, 2010. This approval is subject to:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (SUP-18927) and Site Development Plan Review (SDR-18926), except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-36946) shall be required, if approved.
3. 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.

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FM-0044-08-09

4. All development shall be in conformance with the site plan and landscape plan, date stamped 12/22/09, floor plan, date stamped 12/15/09, and Mr. Sam Facchini elevation plans, date stamped 01/06/10, except as amended by conditions herein.
5. A waiver from Town Center Development Standards is hereby approved to allow zero-foot amenity zones separating the sidewalk from the back of street curb along Sky Pointe Drive and Cimarron Road where a four-foot and five-foot amenity zone is the minimum required, respectively. A waiver is allowed along Sky Pointe Drive and Cimarron Road north of the proposed driveway.
6. A Waiver from Title 19.12.040(E) is hereby approved to allow a zero-foot landscape buffer separating existing utility boxes and the sidewalk along Sky Pointe Drive and Cimarron Road where a three-foot landscape buffer is the minimum required.
7. 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.
8. 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.
9. 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).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.

13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.


Public Works


15. Construct all incomplete half-street improvements on Cimarron Road adjacent to this site concurrent with development of this site.
16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current Town Center Design Standards as amended by conditions herein, concurrent with on-site development activities. 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.
17. The developer shall construct raised median islands and appropriate pavement markings on Cimarron Road from Sky Pointe Drive to Deer Springs Way to accommodate a single left turn lane on Cimarron Road northbound into this site, and dual left turn lanes on Cimarron Road southbound to Sky Point Drive. The outer left turn lane shall be "gored out" with pavement markings, reserved for future use as intersection traffic and future improvements warrant. An additional median shall be constructed from the driveway accessing this site on Cimarron Road to Deer Springs Way. The applicant shall coordinate the median island geometrics with the Traffic Engineering Section of the Department of Public Works.
18. Unless otherwise allowed by the City Engineer, construct sidewalk, where such does not exist, on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
19. All landscaping, retaining walls, and private installed with this project 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. This site plan proposes relocating the existing driveway on Cimarron Road closer to the north. If the existing driveway is not used, it shall be replaced with curb, gutter, and sidewalk, and all existing above ground facilities over 24" in height which are currently located in the proposed new Site Visibility Restriction Zone (SVRZ), due to the placement of this new driveway location, shall be relocated so they are no longer in conflict with the proposed new SVRZs.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

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21. No permanent structures, trees or shrubs over 3 feet tall shall be placed within the existing 20 foot wide Public Sewer Easement along the north property line dedicated per Plat Book 107, Page 11.
22. This pad site must always allow for the perpetual common access between the various parcels/owners within the Cimarron Springs Ranch (Commercial Subdivision) area.
23. Landscape and maintain all unimproved right(s)-of-way on Sky Pointe Drive and Cimarron Road adjacent to this site.
24. Submit an Encroachment Agreement for all landscaping and private improvements located in the Sky Pointe Drive and Cimarron Road public rights-of-way adjacent to this site prior to occupancy of this site.
25. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study update.
26. Site development to comply with all applicable conditions of approval for the Cimarron Springs Ranch (Commercial Subdivision), Zoning Reclassification Z-0076-98 and all other applicable site-related actions.

Sincerely,


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


M. Margo Wheeler, AICP
Director
Planning and Development

cc: Ms. Terre Grove
Grove, Inc.
2920 South Rainbow Boulevard, Suite #130
Las Vegas, Nevada 89146