

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

March 26, 2008

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

**CALL TO ORDER:** 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

**WELCOME:** Chairman Steve Brown

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

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

**VERIFICATION:** Jo Ann Lawrence, Recording Secretary

**PLEDGE OF ALLEGIANCE:** Commissioner Jay Aston

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING  
OF FEBRUARY 27, 2008**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

**Item No. 7 was heard next.**

**NEW BUSINESS**

1. **ZN-08-08 (33925) TOM & KATHLEEN COLLINS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TOM AND KATHLEEN COLLINS, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT 4216 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-310-008.**

The application was presented by Marc Jordan, Planning Manager who explained the Comprehensive Plan showed the area to be rezoned as employment and the request was consistent with previous requests for rezonings to the C-P District north of the proposed property. Staff was recommending approval of ZN-08-08.

**Kathleen Collins, P.O. Box 249, Logandale, NV 89021** appeared 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

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**2. GED-01-08 (34410) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC. ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001.**

The application was presented by Marc Jordan, Planning Manager who explained the Comprehensive Plan for the area was Resort Commercial, which supported casinos within the designation. As part of the application, Staff submitted two use permits, one for the casino and hotel and another which was requesting a building height of 90 feet. Staff was required to demonstrate to the Commission and City Council clear and convincing evidence that they complied with requirements listed in Nevada Revised Statutes. Staff noted the applicant was required to provide information to show they would enhance, expand and stabilize employment and the local economy. That evidence had not been submitted at the time the Staff Report was written; however, the applicant has since turned in an economic benefits study which indicated they would be spending approximately \$925 Million to construct the casino and would employ approximately 5700 employees with an annual budget of approximately \$179 Million and that when construction started, approximately 600 jobs would be created with approximately \$28 Million in salaries. The Fire Department indicated they were opposed to the application due to the response time and access to the site. The applicant met with the Fire Department and discussed conditions that would be recommended for approval on the use permit, which they had indicated they were in agreement with, which would involve acquiring land and constructing a fire station with equipment; therefore, the Fire Department has written a revised memorandum indicating they were no longer recommending denial of the application and were no longer opposed to the request. The conditions recommended by the Fire Department were part of the use permit, as a GED could not be conditioned. Staff was recommending approval of GED-01-08.

**Lora Dreja, Law Offices of Jay Brown, 520 South Fourth Street, Las Vegas, NV 89101** indicated she would be presenting the application in accordance with Nevada Revised Statutes and would be going through the requirements, 6.A through 6.F listed in the Staff Report.

**Dan Hood of VTN Nevada, 2727 South Rainbow Boulevard, Las Vegas, NV 89146** explained they were proposing to construct the extension of Centennial Parkway and the Speedway interchange was always intended to be extended along the alignment. It was already graded and there was a 24" waterline along the alignment. They would be building a road to access road standards as determined in an approved traffic study and in addition, during the pre-application meeting, Staff suggested they also extend Centennial Parkway

along the alignment, which they were willing to do. Access would be coming from both directions and there was good freeway access and freeway frontage. There was an existing 24" waterline that fronts the project. They have performed a water systems analysis using information provided by the architect and, even with 6,000 g.p.m. fire flow, required with the site, there was still adequate pressures and the Utility Department was in support and indicated the water system was adequate for the site. They are required to put in off-site sewer down the Centennial alignment to an existing 15" sewer and remove and replace a portion of the 15" sewer to get adequate capacity for the proposed development and other proposed developments that could come in along the alignment and tie into the sewer. Drainage would be routed due south through the site. There were two large existing culverts under Interstate 15 and they would discharge directly to those and retention ponds would be used on-site to ensure the flow discharged through the culverts was the same after development as before development.

Ms. Dreja addressed 6.B regarding the quality of life in surrounding neighborhoods, explaining requirements set forth to apply for a GED had been met, as there were no established neighborhoods within 15 feet of the boundary lines. The nearest church or school was more than two miles and the nearest residence was approximately 7,000 feet away.

Mr. Hood explained the biggest concern was with fire and public safety, as the existing fire station was located too far from the site and he had met with Chief Gillespie and the Fire Marshall and agreed to fund a turn-key fire station, in order to provide adequate fire protection to the site.

Ms. Dreja explained the project would enhance, expand and stabilize the employment of the local economy, as property taxes were raised when a parcel was developed and dispersed to certain foundations within the City of North Las Vegas; gaming percentage fees would be paid to the State of Nevada General Fund, which would mean more money be allocated to the City; local transient lodging tax, which was nine to eleven percent, would go to the City; local franchise fees, which was up to five percent tax, that utilities could charge for the City; annual and quarterly fees for State tax for non-restrictive gaming, which annually would be approximately \$702,800; County gaming fees, which were similar in structure to the State gaming fees, which would be over \$1 Million each year, paid on slot machines, table games and poker tables; there was also an annual excess tax upon slot machines, which was paid to the County, and was estimated to be \$2 Million; there was a quarterly fee for State license based on the number of games provided, which would be approximately \$8,000 each quarter; there was a State transient lodging tax, which was rerouted to all of the entities within the State and also Sales Tax; there were many amenities located within the property that would be subject to sales tax; there was also a tobacco and liquor tax, which the City would receive revenue from; and over 5,000 employees were expected annually, with wages being approximately \$31,000 per year, which equated to \$179 Million per year, which would help stabilize the job base and the economic situation in the City.

Ms. Dreja explained the property was located within a commercial resort land use designation, which allowed for a casino. NRS 278.010 includes many planning laws, but, per the Staff Report, they comply with the use assigned to the property. NRS 278.630 did not apply to the applicant, as it addressed subdividing maps, which was not intended to be done.

Mr. Hood addressed 6.e, explaining other than the fire station, which was addressed, there was no housing in the vicinity and the closest schools and churches were over two miles, and the National Guard was close by, which would be addressed.

Ms. Dreja explained representation from Nellis Air Force Base was at the task force meeting and were concerned about the height originally proposed, which was 200 feet and would be incompatible with their operations, and the applicant agreed to lower the height to 90 feet.

Mr. Hood explained at the Task Force meeting, one of the use permits that would be heard, was for the increase in height and they were directed at the Task Force meeting, that as long as Nellis was okay with the height, it would be allowed. The proposed establishments would not affect developed residential districts, because there were none in the immediate proximity of the proposed site and it was felt the use would be more of an amenity than a negative impact, as there would be a movie theater, bowling center, an ampi-theater for concerts, as well as gaming, hotel and restaurants.

Ms. Dreja explained the proposed establishment would not adversely affect the developed residential district, public or private school, or religious structure, which was previously explained, they were further away than what was required to submit for the GED application.

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

**Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89084** was concerned about the impact of traffic on Centennial Parkway and did not know if it was taken into consideration the Petro Truck Stop was in close proximity and asked if the casino parking lot would be able to handle truck parking. He indicated at the current time, the interchange in that location was not adequate to handle more traffic.

**Captain Larson, Nevada National Guard, 2460 Fairview Drive, Carson City, NV 89706** appeared on behalf of Major General Cynthia Kirkland, Adjutant General, Commander Army Guard Francis Gonzalez, Brigadier General and Chief of Staff, Colonel Michael Carlson. Captain Larson indicated the National Guard was notified last week of

GED-01-08, UN-26-08 and UN-27-08. He submitted a full disclosure letter of the National Guard Master Planning efforts for Sections 15, 21 and 22 of North Las Vegas and also submitted a pre-final master plan report. Captain Larson read through the Disclosure letter, pointing out the entire master plan for the National Guard was not slated to be completed until June, 2008, plans and concerns are outlined regarding the Floyd Edsall Training Center (FETC), which encompassed 1670 acres. When looking at FETC, it appears to be vacant land, which was not the case, there were 33 acres of facilities and the remainder was either training land or would be developed with the partner agencies and for future growth of the Nevada Army National Guard. The plan established a 20 to 25 year planning framework for the site. It also worked to maximize land use efficiency with the development, suitability, coordinated future planning with surrounding area influences and integrated sustainable principles to minimize adverse environmental effects. The National Guard reached out last year to the City of North Las Vegas Current Planning during the kick-off for the master plan and one issue they had was that they did not receive notice of the proposed project until last week. He pointed out Southern Nevada's rapid population growth also proportionately increased the National Guard and they were slated to receive more force structure in the future from the Department of Defense. FETC contains 1670 acres of land from the BLM, Nevada Division of State Lands holds the title, with 33 acres being developed and the remainder was land used for daytime, nighttime, weekday and weekend training. Portions were also slated for future development. The units contain more than 1,000 soldiers and equipment for the units and consist of several hundred vehicles and trailers. One unit has more than two dozen Bradley fighting vehicles assigned to it, each being diesel powered tracked vehicles weighing in excess of 30 tons. Additionally, nearly every other Nevada Army National Guard unit based in Henderson or south Las Vegas trains at FETC throughout the year. The National Guard was working diligently to build two new readiness centers, a regional training institute and supporting training site on 620 acres of the FETC within the next eight years. There will be another 250 acres developed with other state governmental agencies. The following agencies have expressed an interest in committing funding to the development: Nevada Department of Transportation, Regional Transportation Commission, Nevada Department of Motor Vehicles, and the Nevada Department of Public Safety. FETC would serve in the future as an emergency operations hub for Southern Nevada. Disaster support was Nevada National Guard's most critical state mission and installation would provide an invaluable facility to accomplish that task. As part of the real property development plan, they were looking at building new firing and vehicle driving ranges on the site. There was concern regarding recent development surrounding the current facility and potential impact to the Guard's plans as laid out in the master plan development for the FETC. Revised Chapter 278 of Nevada Revised Statutes (NRS), as part of Senate Bill No. 269 last year, mandates the Commander of the military installation must be notified on any development within 3,000 feet of that particular military installation to ensure all parties involved in future development can come to a workable proposal. The Nevada National Guard was informed March 21, 2008 that a Planning Commission meeting was scheduled for March 26, 2008, which would potentially impact the current FETC master plan development.

Captain Larson indicated there was also concern regarding the compatibility with military functions. He explained the National Guard trained for both state and federal missions at FETC and the nature of the military dictated training would take place at all hours of the day and night, seven days per week and with the firing and vehicle driving ranges, those buildings in the vicinity of the FETC must expect noise, dust, and vehicle movement at all hours.

There was also concern regarding public safety and any development that brought large numbers of visitors potentially put the public at risk.

Captain Larson indicated Major General Kirkland requests, in writing, full disclosure of all projects that potentially impact the Nevada National Guard's mission in North Las Vegas, be submitted to the Installation Commander for the state of Nevada addressed to: Cynthia N. Kirkland, Major General, NVMD, The Adjutant General, 2460 Fairview Drive, Carson City, Nevada 89701-6807.

Chairman Steve Brown asked Captain Larson to point out the 33 acres that were currently developed and asked if they were expanding to the north. Captain Larson pointed out the 33 acres and indicated they would be expanding to the north and east.

Chairman Brown asked if the proposed application would interfere with the operations of the National Guard. Captain Larson responded it was felt it would. Chairman Brown asked Captain Larson if they were requesting to work with the applicant or if they were opposed to the project. Captain Larson responded the proposed project was not compatible with military functions.

Chairman Brown closed the Public Hearing.

Commissioner Harry Shull asked Staff if they had previously received a copy of the master plan referred to by Captain Larson and if the City was aware of the National Guard's plan for the area. Marc Jordan, Planning Manager responded Staff was not aware of the plan. As indicated by Captain Larson, he had met with members of Staff previously but they had not actually seen the plan. Commissioner Shull asked if the notice to the National Guard was inadvertently missed. Mr. Jordan responded they were notified through the normal process required by State Law.

Mr. Hood explained the applicant would have been happy to discuss the issues with the National Guard if they had been invited to the pre-application meeting along with Nellis Air Force Base. He indicated noise and dust would not have an impact on the proposed development. Most of the clientele would be inside a building and would not be impacted. The parking lot would have bushes, trees, etc. along with curb and gutter to prevent cars from driving out of the parking lot and onto the range.



Winston Henderson, Henderson Architects, explained the site plan was done so that the parking structures were placed to the west to serve as an additional buffer, which would serve as a noise, visual and dust buffer from the Guard's activities and felt the two sites could co-exist. The activities of the National Guard were supported and the proposed site was designed so there would be minimal impact.

Ms. Dreja interpreted Captain Larson's concerns to be the noise, dust, and public safety. She explained the applicant agreed to a condition for Nellis Air Force Base to put more noise mitigation on the site than what was required because they were afraid the noise from their aircraft would disturb the site and hoped that would satisfy the National Guard also. In terms of public safety, she believed as long as they contained their guests and visitors on the site, that public safety concern would be alleviated. The applicant was willing to work with the National Guard and change the design if it was necessary; however, they were in a land use area which allowed a casino.

Commissioner Dilip Trivedi asked the applicant if there was a building schedule or if they were staking claim on the property for a casino. Ms. Dreja responded the applicant was attempting to build a casino, but did not have a building schedule.

Commissioner Trivedi asked if the property was sold, if the new owner was required to build a fire station. Deputy City Attorney Nick Vaskov responded they were.

Commissioner Jay Aston asked Staff if there was information presented by the National Guard that would warrant looking at the application closer and possibly continue the application. Mr. Jordan agreed the application warranted continuation, because the concerns brought up by the National Guard should be addressed. Staff and the National Guard should work with the applicant before a decision was made by the Commission.

**John Bayer, 3463 Havelford Avenue, Las Vegas, NV 89121** indicated he owned a piece of property in the area and felt it was time some of the facilities moved outside of the City, as the population was growing and they were no longer functional in the areas they were located. Once the proposed property was zoned to GED, the surrounding properties would increase in value and the property owners would benefit and be able to move their operations to other locations and he felt the proposed project would benefit the City.

Commissioner Dean Leavitt agreed with Mr. Jordan, that the application should be continued to allow time for the applicant to meet with representatives from the National Guard and asked if it should be continued for two weeks or 30 days. Mr. Jordan recommended the application be continued for 30 days.

Ms. Dreja agreed to continue the application for 30 days.

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 23, 2008

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None

3. **UN-26-08 (34414) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC. ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW TWO (2) CASINOS AND HOTELS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001.**

*The application was presented by Marc Jordan, Planning Manager who explained the Comprehensive Plan for the area was Resort Commercial, which supported casinos within the designation. As part of the application, Staff submitted two use permits, one for the casino and hotel and another which was requesting a building height of 90 feet. Staff was required to demonstrate to the Commission and City Council clear and convincing evidence that they complied with requirements listed in Nevada Revised Statutes. Staff noted the applicant was required to provide information to show they would enhance, expand and stabilize employment and the local economy. That evidence had not been submitted at the time the Staff Report was written; however, the applicant has since turned in an economic benefits study which indicated they would be spending approximately \$925 Million to construct the casino and would employ approximately 5700 employees with an annual budget of approximately \$179 Million and that when construction started, approximately 600 jobs would be created with approximately \$28 Million in salaries. The Fire Department indicated they were opposed to the application due to the response time and access to the site. The applicant met with the Fire Department and discussed conditions that would be recommended for approval on the use permit, which they had indicated they were in agreement with, which would involve acquiring land and constructing a fire station with equipment; therefore, the Fire Department has written a revised memorandum indicating they were no longer recommending denial of the application and were no longer opposed to the request. The conditions recommended by the Fire Department were part of the use permit, as a GED could not be conditioned. Staff was recommending approval of GED-01-08.*

**Lora Dreja, Law Offices of Jay Brown, 520 South Fourth Street, Las Vegas, NV 89101** indicated she would be presenting the application in accordance with Nevada Revised Statutes and would be going through the requirements, 6.A through 6.F listed in the Staff Report.

**Dan Hood of VTN Nevada, 2727 South Rainbow Boulevard, Las Vegas, NV 89146** explained they were proposing to construct the extension of Centennial Parkway and the Speedway interchange was always intended to be extended along the alignment. It was already graded and there was a 24" waterline along the alignment. They would be building a road to access road standards as determined in an approved traffic study and in addition, during the pre-application meeting, Staff suggested they also extend Centennial Parkway

*along the alignment, which they were willing to do. Access would be coming from both directions and there was good freeway access and freeway frontage. There was an existing 24" waterline that fronts the project. They have performed a water systems analysis using information provided by the architect and, even with 6,000 g.p.m. fire flow, required with the site, there was still adequate pressures and the Utility Department was in support and indicated the water system was adequate for the site. They are required to put in off-site sewer down the Centennial alignment to an existing 15" sewer and remove and replace a portion of the 15" sewer to get adequate capacity for the proposed development and other proposed developments that could come in along the alignment and tie into the sewer. Drainage would be routed due south through the site. There were two large existing culverts under Interstate 15 and they would discharge directly to those and retention ponds would be used on-site to ensure the flow discharged through the culverts was the same after development as before development.*

*Ms. Dreja addressed 6.B regarding the quality of life in surrounding neighborhoods, explaining requirements set forth to apply for a GED had been met, as there were no established neighborhoods within 15 feet of the boundary lines. The nearest church or school was more than two miles and the nearest residence was approximately 7,000 feet away.*

*Mr. Hood explained the biggest concern was with fire and public safety, as the existing fire station was located too far from the site and he had met with Chief Gillespie and the Fire Marshall and agreed to fund a turn-key fire station, in order to provide adequate fire protection to the site.*

*Ms. Dreja explained the project would enhance, expand and stabilize the employment of the local economy, as property taxes were raised when a parcel was developed and dispersed to certain foundations within the City of North Las Vegas; gaming percentage fees would be paid to the State of Nevada General Fund, which would mean more money be allocated to the City; local transient lodging tax, which was nine to eleven percent, would go to the City; local franchise fees, which was up to five percent tax, that utilities could charge for the City; annual and quarterly fees for State tax for non-restrictive gaming, which annually would be approximately \$702,800; County gaming fees, which were similar in structure to the State gaming fees, which would be over \$1 Million each year, paid on slot machines, table games and poker tables; there was also an annual excess tax upon slot machines, which was paid to the County, and was estimated to be \$2 Million; there was a quarterly fee for State license based on the number of games provided, which would be approximately \$8,000 each quarter; there was a State transient lodging tax, which was rerouted to all of the entities within the State and also Sales Tax; there were many amenities located within the property that would be subject to sales tax; there was also a tobacco and liquor tax, which the City would receive revenue from; and over 5,000 employees were expected annually, with wages being approximately \$31,000 per year,*

*which equated to \$179 Million per year, which would help stabilize the job base and the economic situation in the City.*

*Ms. Dreja explained the property was located within a commercial resort land use designation, which allowed for a casino. NRS 278.010 includes many planning laws, but, per the Staff Report, they comply with the use assigned to the property. NRS 278.630 did not apply to the applicant, as it addressed subdividing maps, which was not intended to be done.*

*Mr. Hood addressed 6.e, explaining other than the fire station, which was addressed, there was no housing in the vicinity and the closest schools and churches were over two miles, and the National Guard was close by, which would be addressed.*

*Ms. Dreja explained representation from Nellis Air Force Base was at the task force meeting and were concerned about the height originally proposed, which was 200 feet and would be incompatible with their operations, and the applicant agreed to lower the height to 90 feet.*

*Mr. Hood explained at the Task Force meeting, one of the use permits that would be heard, was for the increase in height and they were directed at the Task Force meeting, that as long as Nellis was okay with the height, it would be allowed. The proposed establishments would not affect developed residential districts, because there were none in the immediate proximity of the proposed site and it was felt the use would be more of an amenity than a negative impact, as there would be a movie theater, bowling center, an ampi-theater for concerts, as well as gaming, hotel and restaurants.*

*Ms. Dreja explained the proposed establishment would not adversely affect the developed residential district, public or private school, or religious structure, which was previously explained, they were further away than what was required to submit for the GED application.*

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

***Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89084*** was concerned about the impact of traffic on Centennial Parkway and did not know if it was taken into consideration the Petro Truck Stop was in close proximity and asked if the casino parking lot would be able to handle truck parking. He indicated at the current time, the interchange in that location was not adequate to handle more traffic.

***Captain Larson, Nevada National Guard, 2460 Fairview Drive, Carson City, NV 89706*** appeared on behalf of Major General Cynthia Kirkland, Adjutant General, Commander Army Guard Francis Gonzalez, Brigadier General and Chief of Staff, Colonel Michael

*Carlson. Captain Larson indicated the National Guard was notified last week of GED-01-08, UN-26-08 and UN-27-08. He submitted a full disclosure letter of the National Guard Master Planning efforts for Sections 15, 21 and 22 of North Las Vegas and also submitted a pre-final master plan report. Captain Larson read through the Disclosure letter, pointing out the entire master plan for the National Guard was not slated to be completed until June, 2008, plans and concerns are outlined regarding the Floyd Edsall Training Center (FETC), which encompassed 1670 acres. When looking at FETC, it appears to be vacant land, which was not the case, there were 33 acres of facilities and the remainder was either training land or would be developed with the partner agencies and for future growth of the Nevada Army National Guard. The plan established a 20 to 25 year planning framework for the site. It also worked to maximize land use efficiency with the development, suitability, coordinated future planning with surrounding area influences and integrated sustainable principles to minimize adverse environmental effects. The National Guard reached out last year to the City of North Las Vegas Current Planning during the kick-off for the master plan and one issue they had was that they did not receive notice of the proposed project until last week. He pointed out Southern Nevada's rapid population growth also proportionately increased the National Guard and they were slated to receive more force structure in the future from the Department of Defense. FETC contains 1670 acres of land from the BLM, Nevada Division of State Lands holds the title, with 33 acres being developed and the remainder was land used for daytime, nighttime, weekday and weekend training. Portions were also slated for future development. The units contain more than 1,000 soldiers and equipment for the units and consist of several hundred vehicles and trailers. One unit has more than two dozen Bradley fighting vehicles assigned to it, each being diesel powered tracked vehicles weighing in excess of 30 tons. Additionally, nearly every other Nevada Army National Guard unit based in Henderson or south Las Vegas trains at FETC throughout the year. The National Guard was working diligently to build two new readiness centers, a regional training institute and supporting training site on 620 acres of the FETC within the next eight years. There will be another 250 acres developed with other state governmental agencies. The following agencies have expressed an interest in committing funding to the development: Nevada Department of Transportation, Regional Transportation Commission, Nevada Department of Motor Vehicles, and the Nevada Department of Public Safety. FETC would serve in the future as an emergency operations hub for Southern Nevada. Disaster support was Nevada National Guard's most critical state mission and installation would provide an invaluable facility to accomplish that task. As part of the real property development plan, they were looking at building new firing and vehicle driving ranges on the site. There was concern regarding recent development surrounding the current facility and potential impact to the Guard's plans as laid out in the master plan development for the FETC. Revised Chapter 278 of Nevada Revised Statutes (NRS), as part of Senate Bill No. 269 last year, mandates the Commander of the military installation must be notified on any development within 3,000 feet of that particular military installation to ensure all parties involved in future development can come to a workable proposal. The Nevada National Guard was informed*

*March 21, 2008 that a Planning Commission meeting was scheduled for March 26, 2008, which would potentially impact the current FETC master plan development.*

*Captain Larson indicated there was also concern regarding the compatibility with military functions. He explained the National Guard trained for both state and federal missions at FETC and the nature of the military dictated training would take place at all hours of the day and night, seven days per week and with the firing and vehicle driving ranges, those buildings in the vicinity of the FETC must expect noise, dust, and vehicle movement at all hours.*

*There was also concern regarding public safety and any development that brought large numbers of visitors potentially put the public at risk.*

*Captain Larson indicated Major General Kirkland requests, in writing, full disclosure of all projects that potentially impact the Nevada National Guard's mission in North Las Vegas, be submitted to the Installation Commander for the state of Nevada addressed to: Cynthia N. Kirkland, Major General, NVMD, The Adjutant General, 2460 Fairview Drive, Carson City, Nevada 89701-6807.*

*Chairman Steve Brown asked Captain Larson to point out the 33 acres that were currently developed and asked if they were expanding to the north. Captain Larson pointed out the 33 acres and indicated they would be expanding to the north and east.*

*Chairman Brown asked if the proposed application would interfere with the operations of the National Guard. Captain Larson responded it was felt it would. Chairman Brown asked Captain Larson if they were requesting to work with the applicant or if they were opposed to the project. Captain Larson responded the proposed project was not compatible with military functions.*

*Chairman Brown closed the Public Hearing.*

*Commissioner Harry Shull asked Staff if they had previously received a copy of the master plan referred to by Captain Larson and if the City was aware of the National Guard's plan for the area. Marc Jordan, Planning Manager responded Staff was not aware of the plan. As indicated by Captain Larson, he had met with members of Staff previously but they had not actually seen the plan. Commissioner Shull asked if the notice to the National Guard was inadvertently missed. Mr. Jordan responded they were notified through the normal process required by State Law.*

*Mr. Hood explained the applicant would have been happy to discuss the issues with the National Guard if they had been invited to the pre-application meeting along with Nellis Air Force Base. He indicated noise and dust would not have an impact on the proposed*

*development. Most of the clientele would be inside a building and would not be impacted. The parking lot would have bushes, trees, etc. along with curb and gutter to prevent cars from driving out of the parking lot and onto the range.*

*Winston Henderson, Henderson Architects, explained the site plan was done so that the parking structures were placed to the west to serve as an additional buffer, which would serve as a noise, visual and dust buffer from the Guard's activities and felt the two sites could co-exist. The activities of the National Guard were supported and the proposed site was designed so there would be minimal impact.*

*Ms. Dreja interpreted Captain Larson's concerns to be the noise, dust, and public safety. She explained the applicant agreed to a condition for Nellis Air Force Base to put more noise mitigation on the site than what was required because they were afraid the noise from their aircraft would disturb the site and hoped that would satisfy the National Guard also. In terms of public safety, she believed as long as they contained their guests and visitors on the site, that public safety concern would be alleviated. The applicant was willing to work with the National Guard and change the design if it was necessary; however, they were in a land use area which allowed a casino.*

*Commissioner Dilip Trivedi asked the applicant if there was a building schedule or if they were staking claim on the property for a casino. Ms. Dreja responded the applicant was attempting to build a casino, but did not have a building schedule.*

*Commissioner Trivedi asked if the property was sold, if the new owner was required to build a fire station. Deputy City Attorney Nick Vaskov responded they were.*

*Commissioner Jay Aston asked Staff if there was information presented by the National Guard that would warrant looking at the application closer and possibly continue the application. Mr. Jordan agreed the application warranted continuation, because the concerns brought up by the National Guard should be addressed. Staff and the National Guard should work with the applicant before a decision was made by the Commission.*

***John Bayer, 3463 Havelford Avenue, Las Vegas, NV 89121*** indicated he owned a piece of property in the area and felt it was time some of the facilities moved outside of the City, as the population was growing and they were no longer functional in the areas they were located. Once the proposed property was zoned to GED, the surrounding properties would increase in value and the property owners would benefit and be able to move their operations to other locations and he felt the proposed project would benefit the City.

*Commissioner Dean Leavitt agreed with Mr. Jordan, that the application should be continued to allow time for the applicant to meet with representatives from the National Guard and asked if it should be continued for two weeks or 30 days. Mr. Jordan recommended the application be continued for 30 days.*



*Ms. Dreja agreed to continue the application for 30 days.*

*Chairman Brown indicated the Public Hearing would remain open.*

ACTION: CONTINUED TO APRIL 23, 2008

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None

**4. UN-27-08 (34416) MILLER HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MILROS COMPANY INC. ON BEHALF OF MILLER ALON & ROSANNA FAMILY TRUST, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 90-FOOT BUILDING HEIGHT FOR TWO CASINOS AND HOTELS WHERE 60 FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF I-15 AND SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-22-301-001.**

*The application was presented by Marc Jordan, Planning Manager who explained the Comprehensive Plan for the area was Resort Commercial, which supported casinos within the designation. As part of the application, Staff submitted two use permits, one for the casino and hotel and another which was requesting a building height of 90 feet. Staff was required to demonstrate to the Commission and City Council clear and convincing evidence that they complied with requirements listed in Nevada Revised Statutes. Staff noted the applicant was required to provide information to show they would enhance, expand and stabilize employment and the local economy. That evidence had not been submitted at the time the Staff Report was written; however, the applicant has since turned in an economic benefits study which indicated they would be spending approximately \$925 Million to construct the casino and would employ approximately 5700 employees with an annual budget of approximately \$179 Million and that when construction started, approximately 600 jobs would be created with approximately \$28 Million in salaries. The Fire Department indicated they were opposed to the application due to the response time and access to the site. The applicant met with the Fire Department and discussed conditions that would be recommended for approval on the use permit, which they had indicated they were in agreement with, which would involve acquiring land and constructing a fire station with equipment; therefore, the Fire Department has written a revised memorandum indicating they were no longer recommending denial of the application and were no longer opposed to the request. The conditions recommended by the Fire Department were part of the use permit, as a GED could not be conditioned. Staff was recommending approval of GED-01-08.*

**Lora Dreja, Law Offices of Jay Brown, 520 South Fourth Street, Las Vegas, NV 89101** indicated she would be presenting the application in accordance with Nevada Revised Statutes and would be going through the requirements, 6.A through 6.F listed in the Staff Report.

**Dan Hood of VTN Nevada, 2727 South Rainbow Boulevard, Las Vegas, NV 89146** explained they were proposing to construct the extension of Centennial Parkway and the Speedway interchange was always intended to be extended along the alignment. It was already graded and there was a 24" waterline along the alignment. They would be building a road to access road standards as determined in an approved traffic study and in addition,

*during the pre-application meeting, Staff suggested they also extend Centennial Parkway along the alignment, which they were willing to do. Access would be coming from both directions and there was good freeway access and freeway frontage. There was an existing 24" waterline that fronts the project. They have performed a water systems analysis using information provided by the architect and, even with 6,000 g.p.m. fire flow, required with the site, there was still adequate pressures and the Utility Department was in support and indicated the water system was adequate for the site. They are required to put in off-site sewer down the Centennial alignment to an existing 15" sewer and remove and replace a portion of the 15" sewer to get adequate capacity for the proposed development and other proposed developments that could come in along the alignment and tie into the sewer. Drainage would be routed due south through the site. There were two large existing culverts under Interstate 15 and they would discharge directly to those and retention ponds would be used on-site to ensure the flow discharged through the culverts was the same after development as before development.*

*Ms. Dreja addressed 6.B regarding the quality of life in surrounding neighborhoods, explaining requirements set forth to apply for a GED had been met, as there were no established neighborhoods within 15 feet of the boundary lines. The nearest church or school was more than two miles and the nearest residence was approximately 7,000 feet away.*

*Mr. Hood explained the biggest concern was with fire and public safety, as the existing fire station was located too far from the site and he had met with Chief Gillespie and the Fire Marshall and agreed to fund a turn-key fire station, in order to provide adequate fire protection to the site.*

*Ms. Dreja explained the project would enhance, expand and stabilize the employment of the local economy, as property taxes were raised when a parcel was developed and dispersed to certain foundations within the City of North Las Vegas; gaming percentage fees would be paid to the State of Nevada General Fund, which would mean more money be allocated to the City; local transient lodging tax, which was nine to eleven percent, would go to the City; local franchise fees, which was up to five percent tax, that utilities could charge for the City; annual and quarterly fees for State tax for non-restrictive gaming, which annually would be approximately \$702,800; County gaming fees, which were similar in structure to the State gaming fees, which would be over \$1 Million each year, paid on slot machines, table games and poker tables; there was also an annual excess tax upon slot machines, which was paid to the County, and was estimated to be \$2 Million; there was a quarterly fee for State license based on the number of games provided, which would be approximately \$8,000 each quarter; there was a State transient lodging tax, which was rerouted to all of the entities within the State and also Sales Tax; there were many amenities located within the property that would be subject to sales tax; there was also a tobacco and liquor tax, which the City would receive revenue from; and over 5,000 employees were expected annually, with wages being approximately \$31,000 per year,*

*which equated to \$179 Million per year, which would help stabilize the job base and the economic situation in the City.*

*Ms. Dreja explained the property was located within a commercial resort land use designation, which allowed for a casino. NRS 278.010 includes many planning laws, but, per the Staff Report, they comply with the use assigned to the property. NRS 278.630 did not apply to the applicant, as it addressed subdividing maps, which was not intended to be done.*

*Mr. Hood addressed 6.e, explaining other than the fire station, which was addressed, there was no housing in the vicinity and the closest schools and churches were over two miles, and the National Guard was close by, which would be addressed.*

*Ms. Dreja explained representation from Nellis Air Force Base was at the task force meeting and were concerned about the height originally proposed, which was 200 feet and would be incompatible with their operations, and the applicant agreed to lower the height to 90 feet.*

*Mr. Hood explained at the Task Force meeting, one of the use permits that would be heard, was for the increase in height and they were directed at the Task Force meeting, that as long as Nellis was okay with the height, it would be allowed. The proposed establishments would not affect developed residential districts, because there were none in the immediate proximity of the proposed site and it was felt the use would be more of an amenity than a negative impact, as there would be a movie theater, bowling center, an ampi-theater for concerts, as well as gaming, hotel and restaurants.*

*Ms. Dreja explained the proposed establishment would not adversely affect the developed residential district, public or private school, or religious structure, which was previously explained, they were further away than what was required to submit for the GED application.*

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

**Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89084** *was concerned about the impact of traffic on Centennial Parkway and did not know if it was taken into consideration the Petro Truck Stop was in close proximity and asked if the casino parking lot would be able to handle truck parking. He indicated at the current time, the interchange in that location was not adequate to handle more traffic.*

**Captain Larson, Nevada National Guard, 2460 Fairview Drive, Carson City, NV 89706** *appeared on behalf of Major General Cynthia Kirkland, Adjutant General, Commander Army Guard Francis Gonzalez, Brigadier General and Chief of Staff, Colonel Michael*

*Carlson. Captain Larson indicated the National Guard was notified last week of GED-01-08, UN-26-08 and UN-27-08. He submitted a full disclosure letter of the National Guard Master Planning efforts for Sections 15, 21 and 22 of North Las Vegas and also submitted a pre-final master plan report. Captain Larson read through the Disclosure letter, pointing out the entire master plan for the National Guard was not slated to be completed until June, 2008, plans and concerns are outlined regarding the Floyd Edsall Training Center (FETC), which encompassed 1670 acres. When looking at FETC, it appears to be vacant land, which was not the case, there were 33 acres of facilities and the remainder was either training land or would be developed with the partner agencies and for future growth of the Nevada Army National Guard. The plan established a 20 to 25 year planning framework for the site. It also worked to maximize land use efficiency with the development, suitability, coordinated future planning with surrounding area influences and integrated sustainable principles to minimize adverse environmental effects. The National Guard reached out last year to the City of North Las Vegas Current Planning during the kick-off for the master plan and one issue they had was that they did not receive notice of the proposed project until last week. He pointed out Southern Nevada's rapid population growth also proportionately increased the National Guard and they were slated to receive more force structure in the future from the Department of Defense. FETC contains 1670 acres of land from the BLM, Nevada Division of State Lands holds the title, with 33 acres being developed and the remainder was land used for daytime, nighttime, weekday and weekend training. Portions were also slated for future development. The units contain more than 1,000 soldiers and equipment for the units and consist of several hundred vehicles and trailers. One unit has more than two dozen Bradley fighting vehicles assigned to it, each being diesel powered tracked vehicles weighing in excess of 30 tons. Additionally, nearly every other Nevada Army National Guard unit based in Henderson or south Las Vegas trains at FETC throughout the year. The National Guard was working diligently to build two new readiness centers, a regional training institute and supporting training site on 620 acres of the FETC within the next eight years. There will be another 250 acres developed with other state governmental agencies. The following agencies have expressed an interest in committing funding to the development: Nevada Department of Transportation, Regional Transportation Commission, Nevada Department of Motor Vehicles, and the Nevada Department of Public Safety. FETC would serve in the future as an emergency operations hub for Southern Nevada. Disaster support was Nevada National Guard's most critical state mission and installation would provide an invaluable facility to accomplish that task. As part of the real property development plan, they were looking at building new firing and vehicle driving ranges on the site. There was concern regarding recent development surrounding the current facility and potential impact to the Guard's plans as laid out in the master plan development for the FETC. Revised Chapter 278 of Nevada Revised Statutes (NRS), as part of Senate Bill No. 269 last year, mandates the Commander of the military installation must be notified on any development within 3,000 feet of that particular military installation to ensure all parties involved in future development can come to a workable proposal. The Nevada National Guard was informed*

*March 21, 2008 that a Planning Commission meeting was scheduled for March 26, 2008, which would potentially impact the current FETC master plan development.*

*Captain Larson indicated there was also concern regarding the compatibility with military functions. He explained the National Guard trained for both state and federal missions at FETC and the nature of the military dictated training would take place at all hours of the day and night, seven days per week and with the firing and vehicle driving ranges, those buildings in the vicinity of the FETC must expect noise, dust, and vehicle movement at all hours.*

*There was also concern regarding public safety and any development that brought large numbers of visitors potentially put the public at risk.*

*Captain Larson indicated Major General Kirkland requests, in writing, full disclosure of all projects that potentially impact the Nevada National Guard's mission in North Las Vegas, be submitted to the Installation Commander for the state of Nevada addressed to: Cynthia N. Kirkland, Major General, NVMD, The Adjutant General, 2460 Fairview Drive, Carson City, Nevada 89701-6807.*

*Chairman Steve Brown asked Captain Larson to point out the 33 acres that were currently developed and asked if they were expanding to the north. Captain Larson pointed out the 33 acres and indicated they would be expanding to the north and east.*

*Chairman Brown asked if the proposed application would interfere with the operations of the National Guard. Captain Larson responded it was felt it would. Chairman Brown asked Captain Larson if they were requesting to work with the applicant or if they were opposed to the project. Captain Larson responded the proposed project was not compatible with military functions.*

*Chairman Brown closed the Public Hearing.*

*Commissioner Harry Shull asked Staff if they had previously received a copy of the master plan referred to by Captain Larson and if the City was aware of the National Guard's plan for the area. Marc Jordan, Planning Manager responded Staff was not aware of the plan. As indicated by Captain Larson, he had met with members of Staff previously but they had not actually seen the plan. Commissioner Shull asked if the notice to the National Guard was inadvertently missed. Mr. Jordan responded they were notified through the normal process required by State Law.*

*Mr. Hood explained the applicant would have been happy to discuss the issues with the National Guard if they had been invited to the pre-application meeting along with Nellis Air Force Base. He indicated noise and dust would not have an impact on the proposed*

*development. Most of the clientele would be inside a building and would not be impacted. The parking lot would have bushes, trees, etc. along with curb and gutter to prevent cars from driving out of the parking lot and onto the range.*

*Winston Henderson, Henderson Architects, explained the site plan was done so that the parking structures were placed to the west to serve as an additional buffer, which would serve as a noise, visual and dust buffer from the Guard's activities and felt the two sites could co-exist. The activities of the National Guard were supported and the proposed site was designed so there would be minimal impact.*

*Ms. Dreja interpreted Captain Larson's concerns to be the noise, dust, and public safety. She explained the applicant agreed to a condition for Nellis Air Force Base to put more noise mitigation on the site than what was required because they were afraid the noise from their aircraft would disturb the site and hoped that would satisfy the National Guard also. In terms of public safety, she believed as long as they contained their guests and visitors on the site, that public safety concern would be alleviated. The applicant was willing to work with the National Guard and change the design if it was necessary; however, they were in a land use area which allowed a casino.*

*Commissioner Dilip Trivedi asked the applicant if there was a building schedule or if they were staking claim on the property for a casino. Ms. Dreja responded the applicant was attempting to build a casino, but did not have a building schedule.*

*Commissioner Trivedi asked if the property was sold, if the new owner was required to build a fire station. Deputy City Attorney Nick Vaskov responded they were.*

*Commissioner Jay Aston asked Staff if there was information presented by the National Guard that would warrant looking at the application closer and possibly continue the application. Mr. Jordan agreed the application warranted continuation, because the concerns brought up by the National Guard should be addressed. Staff and the National Guard should work with the applicant before a decision was made by the Commission.*

***John Bayer, 3463 Havelford Avenue, Las Vegas, NV 89121*** indicated he owned a piece of property in the area and felt it was time some of the facilities moved outside of the City, as the population was growing and they were no longer functional in the areas they were located. Once the proposed property was zoned to GED, the surrounding properties would increase in value and the property owners would benefit and be able to move their operations to other locations and he felt the proposed project would benefit the City.

*Commissioner Dean Leavitt agreed with Mr. Jordan, that the application should be continued to allow time for the applicant to meet with representatives from the National Guard and asked if it should be continued for two weeks or 30 days. Mr. Jordan recommended the application be continued for 30 days.*

*Ms. Dreja agreed to continue the application for 30 days.*

*Chairman Brown indicated the Public Hearing would remain open.*

ACTION: CONTINUED TO APRIL 23, 2008

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None



**5. FDP-01-08 (34237) BANK OF NEVADA. AN APPLICATION SUBMITTED BY BANK OF NEVADA ON BEHALF OF TROPICAL & LOSEE, LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A FINANCIAL INSTITUTION (BANK). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS124-26-605-009.**

The application was presented by Marc Jordan, Planning Manager who explained the proposed use was part of a PUD where a hospital was proposed within the development. According to the elevations submitted, the bank would have a stucco finish with sandstone tile that would be part of the bank. The elevations were consistent with the medical office that was approved as part of the development. The applicant has demonstrated compliance with the landscaping and parking requirements. Staff felt concerns regarding the foundation landscaping around the entrance of the building were minor and could be addressed during the building permit process; therefore, Staff was recommending FDP-01-08 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. That the development of this site be in compliance with all conditions of Ordinance Number 2388 (ZN-34-97);
3. The proposed site shall be in compliance with the Commercial Development Standards and Design Guidelines including but not limited to the following:
  - a. All perimeter landscape areas shall include shrubs that provide within two (2) years of planting a 60% of ground cover with 24" box tree every 20 feet on center.
  - b. Foundation landscaping must be provided along the building facades.
4. The property owner is required to grant a roadway easement for commercial driveway(s).
5. Show additional 3' x 25' bus loading pad easement granted per Parcel Map File 114, page 41.
6. The sewer main in Losee Road is at capacity. The City is currently designing a 36 inch sewer in Losee Road from Centennial Parkway to Craig Road, should the developer's project schedule be ahead of the City's project, the developer will be required to oversize the existing 8 inch sanitary sewer main to 36 inch for that

portion of main fronting the property in Losee Road, unless otherwise approved by the Director of Utilities. The work needs to be completed prior to the completion of Losee Road Improvement Project.

**Craig Lucas of KGA Architecture, 4495 South Polaris Avenue, Las Vegas, NV 89103** appeared on behalf of the applicant explaining the project was for an approximately 5200 square foot bank branch with three drive-thru teller lanes. Mr. Lucas indicated he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

6. **UN-21-08 (34239) BANK OF NEVADA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BANK OF NEVADA ON BEHALF OF TROPICAL & LOSEE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A FINANCIAL INSTITUTION (BANK). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-605-009.**

The application was presented by Marc Jordan, Planning Manager who explained the use permit was for a financial institution. Staff was recommending approval of UN-21-08 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances;
2. That the development of this site be in compliance with all conditions of FDP-01-08 and ZN-34-97;
3. Approval of a traffic study is required prior to submittal of the civil improvement plans.
4. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway and Losee Road.
5. Right-of-way **dedication and construction** of a **CAT bus** turn-out is required on Tropical Parkway west of Losee Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
6. Right-of-way **dedication and construction** of a **flared intersection**, including a right turn lane, is required at Losee Road and Tropical Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
7. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

9. Dedication and construction of the following half streets is required per the Master Plan of Streets and Highways and *City of North Las Vegas Municipal Code* section 16.24.100:
  - a. Losee Road
  - b. Tropical Parkway
10. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
11. 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.
12. Coordinate with Losee Road SID. If the SID is not formed and the Losee Road plans are not at 90%, the developer must construct the full Losee Road offsites.
13. 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.
14. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
15. 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.
16. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
17. All off-site improvements must be completed prior to final inspection of the first building.
18. The property owner is required to grant a roadway easement for commercial driveway(s).
19. Show additional 3' x 25' bus loading pad easement granted per Parcel Map File 114, Page 41.

20. The sewer main in Losee Road is at capacity. The City is currently designing a 36 inch sewer in Losee Road from Centennial Parkway to Craig Road, should the developer's project schedule be ahead of the City's project, the developer will be required to oversize the existing 8 inch sanitary sewer main to 36 inch for that portion of main fronting the property in Losee Road, unless otherwise approved by the Director of Utilities. The work needs to be completed prior to the completion of Losee Road Improvement Project.

**Craig Lucas of KGA Architecture, 4495 South Polaris Avenue, Las Vegas, NV 89103** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

- **Scott Sauer, 770 West Lone Mountain Road #2026, North Las Vegas, NV 89081** asked that the off-sites be put in on the Tropical portion of the site, as there were traffic problems in the area.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 8 was heard next.**

7. **UN-25-08 (34400) LAS VEGAS PAVING DISPATCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS PAVING CORPORATION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW TWO (2) TEMPORARY BUILDINGS. THE PROPERTY IS LOCATED AT 3401 NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-704-004.**

**Victor Dabbs with Las Vegas Paving, 3401 North 5<sup>th</sup> Street, North Las Vegas, NV 89030** requested UN-25-08 be continued to April 9, 2008.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 9, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 11 was heard next.**

**8. UN-22-08 (34330) DEER SPRINGS TOWN CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEER SPRINGS TOWN CENTER LLC, PROPERTY OWNER, FOR A SPECIAL 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 THE NORTHEAST CORNER OF NORTH 5TH STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-23-201-002.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of UN-22-08 with Condition No. 3 amended to read: "The landscaping within the front setback area (south of the regional trail along Dorrell Lane) may be designed as a "hardscape" area which would facilitate outdoor seating/dining, decorative pavers, tree wells with grates and appropriate lighting, subject to review and approval by staff prior to the issuance of a building permit"; Condition No. 7 amended to read: "The colors, design and material shall be consistent with those approved for the shopping center and SPR-41-06"; and Condition No. 8 amended to read: "Foundation landscaping, or a suitable alternative, shall be provided in accordance with code requirements. Wheel-stops may be required within the parking spaces adjacent to the south side of the building"; and Condition No. 10 deleted. The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The use permit is site-specific and non-transferrable.
3. The 20 feet of landscaping within the front setback area (south of the regional trail along Dorrell Lane) may be designed as a "hardscape" area which would facilitate outdoor seating/dining, decorative pavers, tree wells with grates and appropriate lighting, subject to review and approval by staff prior to the issuance of a building permit.
4. If this establishment is constructed prior to the adjacent parking lot areas to the south, east and west, then a portion of the shopping center's parking lot shall be required. The required number of parking stalls, lighting, paved ingress/egress, and landscaping shall be completed prior to the issuance of a certificate of occupancy. The minimum number of parking stalls required would be based on the requirements set forth in the Zoning Ordinance for a restaurant. Outdoor dining/seating areas will require additional parking.

5. A minimum two bicycle parking spaces shall be provided within 15 feet of the building. The bicycle parking spaces shall not be located where they would interfere with required landscaping or pedestrian access.
6. Exterior roof ladders are not allowed. Access to the roof shall be from within the building.
7. The colors, design and materials shall be consistent with those approved for the shopping center and SPR-41-06. The wainscot veneer, cornice and colors shall be revised accordingly.
8. Foundation landscaping, or a suitable alternative, shall be provided along the south side of the building. Wheel-stops may be required within the parking spaces adjacent to the south side of the building.
9. The trash enclosure is required to match the building in design, colors and materials, including a roof and solid metal gates hung approximately 8 inches above the ground.
10. The site plan shall be revised to identify a minimum 20-foot setback from the regional trail.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant indicating they had met with Staff regarding the revised conditions and 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 WITH THE DELETION OF CONDITION NO. 10 AND CONDITION NOS. 3, 7 AND 8 AMENDED TO READ:

3. THE LANDSCAPING WITHIN THE FRONT SETBACK AREA (SOUTH OF THE REGIONAL TRAIL ALONG DORRELL LANE) MAY BE DESIGNED AS A "HARDSCAPE" AREA WHICH WOULD FACILITATE OUTDOOR SEATING/DINING, DECORATIVE PAVERS, TREE WELLS WITH GRATES AND APPROPRIATE LIGHTING, SUBJECT TO REVIEW AND APPROVAL BY STAFF PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.



7. THE COLORS, DESIGN AND MATERIALS SHALL BE CONSISTENT WITH THOSE APPROVED FOR THE SHOPPING CENTER AND SPR-41-06.
8. FOUNDATION LANDSCAPING, OR A SUITABLE ALTERNATIVE, SHALL BE PROVIDED IN ACCORDANCE WITH CODE REQUIREMENTS. WHEEL-STOPS MAY BE REQUIRED WITHIN THE PARKING SPACES ADJACENT TO THE SOUTH SIDE OF THE BUILDING.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

9. **UN-24-08 (34388) FAMOUS DAVE'S (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SONORAN BARBEQUE NEVADA, LLC ON BEHALF OF CANNERY CORNER, LLC, PROPERTY OWNER FOR A SPECIAL 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 THE NORTHEAST CORNER OF CRAIG ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-210-006.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of UN-24-08 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. This use permit is site specific and non transferrable.
3. Submit a traffic study update for review and approval of the City's Traffic Engineer.

**Dave Dworak, 2141 East Broadway Road #105, Tempe, AZ 85282** 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**

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Shull**

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

**NAYS: None**

**ABSTAIN: None**

10. **UN-28-08 (34425) LAUNDRY BULK TANK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARRAH'S ENTERTAINMENT INC. ON BEHALF OF PARBALL CORPORATION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (APPROXIMATELY 5,930 GALLONS OF NONYLPHENOXY ETHANOL & 2-BUTOXYETHANOL; 4,100 GALLONS OF SODIUM HYDROXIDE; AND 1,100 GALLONS OF SODIUM HYPROCHLORITE) IN CONJUNCTION WITH A LAUNDRY FACILITY. THE PROPERTY IS LOCATED AT 100 WEST CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-801-009.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to expand the laundry facility and with the expansion, they would increase the amount of hazardous material stored on-site and used at the facility. Staff does not feel the proposal would create a hazard to the surrounding neighborhood or to the City. The materials would be properly stored on-site; therefore, Staff was recommending approval 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. A Hazardous Materials Management Plan (HMMP) shall be completed to the satisfaction of the Fire Department prior to placing hazardous materials into storage or use.

**Ehi Lambert-Aikhionbare, One Harrah's Court, Las Vegas, NV 89119** appeared on behalf of the applicant indicating he concurred with Staff recommendation with the exception of Condition No. 3, asking that it be amended to change City Council approval to Staff approval.

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

- **Carrie Brown Thomas, 305 Rossmoyne Avenue, North Las Vegas, NV 89030** stated her opposition, indicating it would adversely affect the improvements planned for Kiel Ranch and was not an asset to the neighborhood.

- **Willie Hicks, 720 West Nelson Avenue, North Las Vegas, NV 89030** was opposed to the application, stating it would not be healthy to breathe the fumes caused by the chemicals.
- **J.T. Thomas, 2531 Noble Street, North Las Vegas, NV 89030** was opposed to the application. He asked that the expansion be denied, should the applicant wish to expand their facility, they should find a suitable location.
- **Velma Ellis, 300 West Kings Avenue, North Las Vegas, NV 89030** was opposed to the application and agreed with other comments and felt the hotels should handle their own laundry and store the chemicals on their property.
- **Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89084** was opposed to the application and explained the chemical Sodium Hydroxide, if on the skin caused severe burns, could burn your eyes and cause blindness and if you inhaled it, it damaged your lungs. The Sodium Hypochloride burned your respiratory tract if inhaled and if you got it on your skin it could burn. The current facility was maxed out and he commonly saw tanker trucks delivering chemicals, where the truck driver had to blind-side back in off of Carey Avenue, as there was too much junk stacked around the building. If approved, the tanks should be put into containment areas with a wall that would hold the material if there was a spill or leak.
- **David Johnson, 2527 Noble Street, North Las Vegas, NV 89030** was opposed to the application and agreed with other comments. With the trucks parked on Commerce Street, it was difficult to see to enter the street.

Chairman Brown closed the Public Hearing.

**Robert Smith, 2415 LaCasa Drive, Henderson, NV**, Chief Engineer of the facility explained they wanted to go to the bulk system so there was less manhandling of the chemicals. Currently, the chemicals were handled in 55 gallon drums, and if they obtained the bulk tanks, there would be secondary containment and would be stored in one location. The operator would have a momentary switch and a spring loaded valve, to where they would have two hands on it when it was being pumped. The bulk tank would be safer, as there would be less chance for spillage and the chemicals would only be delivered once per month instead of several times per week. He explained the chemicals were already on site, they were would be stored in a more safe manner.

Chairman Brown asked the quantity of chemicals currently stored on site. Mr. Smith responded chemicals were currently stored in 55 gallon drums, except for the bleach, which was in a 1500 gallon tank and was brought in by tanker. The 55 gallon drums were stored on containment pallets until used and then it was pumped into the facility through pumps into the washing machines. Chairman Brown asked the quantity stored on site at one time. Mr. Smith did not know the quantity. Chairman Brown asked Mr. Smith if he had the capability and authority to store 4,000 gallons on site at the present time, if it was in 55

gallon drums. Mr. Lambert-Aikhionbare responded they did not, that was what was being applied for. Chairman Brown clarified they were requesting more storage but it would be safer. Mr. Smith indicated that was correct, it would be stored in three or four bulk tanks instead of pallets of 55 gallon drums and there would be secondary containment. Chairman Brown clarified it would be full volume containment. Mr. Smith responded that was correct.

Mr. Lambert-Aikhionbare pointed out the design was submitted to the Building Department and the design had been reviewed and approved. He clarified they were not bringing in hazardous waste, they were storing bleach, laundry detergent and lye for use in laundering. He also pointed out truck traffic would be decreased as there would be fewer deliveries.

Commissioner Dilip Trivedi asked the Fire Department to comment on the safety. Mike Steele of the Fire Department explained the Fire Code regulated the materials as hazardous and the degree of hazard was difficult to quantify. He stated there was secondary containment and security access, which was one of the conditions through the hazardous materials management plan, and would keep unwanted people from having access to the tanks. Spills would be contained to the secondary containment area, so neighbors should not be threatened. As far as breathing the material and having it splashed on them, you would have to be intimate with the material in order to have any problems. If there was an accident, it would be contained on site and only those who were in the immediate vicinity would have issues.

Chairman Brown asked if any of the chemicals were flammable. Mr. Lambert-Aikhionbare responded they had submitted the MSDS sheets. The flash point of some of the chemicals was 150 degrees Fahrenheit.

Commissioner Dean Leavitt asked the applicant if they ran a 24 hour operation. Mr. Smith responded they did. Commissioner Leavitt asked if they could accommodate a condition that stipulated deliveries could only be made between 10 p.m. and 6 a.m. Mr. Smith responded they could. Commissioner Leavitt asked if personnel would be increased. Mr. Lambert-Aikhionbare responded they would need fewer employees.

Commissioner Ned Thomas clarified an engineer was on site and it was the applicant's opinion that the requested expansion would be an improvement to the safety on the site. Mr. Smith responded that was correct. Commissioner Thomas clarified the increase in chemicals was to replace existing tanks and the chemicals had been used on the site since 2001 and asked if there had ever been any emergency incidents on the site with the current tank situation. Mr. Smith responded there had not been any incidents with the chemicals. Commissioner Thomas asked if the tanks being located outside the building would decrease the amount of parking or if the parking problems would improve. Mr. Smith responded the tanks would be located on the east side of the building. Commissioner Thomas asked if circulation around the building would be impaired. Mr. Lambert-Aikhionbare responded the storage was in a fenced off area and would not effect the

circulation. Commissioner Thomas asked if the bulk storage would eliminate the storage of empty drums on the site. Mr. Smith responded it would.

Commissioner Jo Cato asked the applicant the location of the storage in comparison to the housing development on the northwest corner of Carey Avenue and Commerce Street. Mr. Lambert-Aikhionbare explained the storage was located on the east side of the building between the laundry and the vacant lot and would be against the building, so it would not be visible from that location. Commissioner Cato was concerned the residents did not have more information regarding the proposed expansion and felt there was injustice done in the area, as the businesses that had been approved on Commerce were an eye sore and she agreed with the residents that they were getting many undesirable uses in the area and was not in support of the application.

Commissioner Harry Shull asked how long the M-2 zoning had been in place. Mr. Jordan responded the M-2 zoning had been there for many years. Commissioner Shull asked if the uses were permitted in the M-2 zone. Mr. Jordan responded the laundry facility was allowed with a special use, which was already operating, so they either have a special use or were grand fathered. The expansion, to allow an increase in the materials, required a special use permit.

Chairman Brown asked for clarification of what the word "expansion" meant for this application. Mr. Lambert-Aikhionbare responded they were increasing the amount of chemicals stored on site and were reducing the number of deliveries. He stressed they were not expanding the facility and taking in more laundry, they were only storing the chemicals in bulk form in larger tanks instead of 55 gallon drums.

Mr. Eastman indicated condition No. 3 should to be amended to read: "That any expansions to the proposed use shall be subject to Planning Commission review and approval", as the Planning Commission was the reviewing agency.

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

3. THAT ANY EXPANSIONS TO THE PROPOSED USE SHALL BE  
SUBJECT TO PLANNING COMMISSION REVIEW AND APPROVAL.

MOTION: Commissioner Shull

SECOND: Commissioner Thomas

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

NAYS: Commissioners Leavitt and Cato

ABSTAIN: None

**Item No. 12 was heard next.**

11. **T-1313 (33793) COMMERCE AND CENTENNIAL. AN APPLICATION SUBMITTED BY MARIA ENAMORADO ON BEHALF OF BOUQUET INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-012.**

It was requested by the applicant to continue T-1313 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 1 was heard next.**

12. **SPR-06-08 (34404) VILLAS OF LAKE MEAD. AN APPLICATION SUBMITTED BY KEITH DUSENBERRY ON BEHALF OF CREATIVE CHOICE WEST LLC AND LAS VEGAS DEVELOPMENT ASSOCIATION, LLC, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT FOR WAIVERS FROM THE MULTI-FAMILY DEVELOPMENT STANDARDS TO ALLOW VEHICULAR ACCESS ONTO A LOCAL STREET SERVING SINGLE-FAMILY RESIDENCES; TO ALLOW MULTI-FAMILY STRUCTURES EXCEEDING ONE STORY OR 20 FEET IN HEIGHT WITHIN 50 FEET OF AN ADJACENT SINGLE-FAMILY RESIDENTIAL PROPERTY LINE; TO ALLOW BUFFER YARDS LESS THAN 20 FEET IN WIDTH; TO ALLOW BUILDING WALLS CONTAINING WINDOWS TO BE SEPARATED LESS THAN 20 FEET FROM OPPOSING WINDOWS; AND TO ALLOW BUILDINGS TO BE SEPARATED LESS THAN 20 FEET FOR A PROPOSED MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LAKE MEAD BOULEVARD AND COMSTOCK DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-21-210-181 THROUGH 139-21-210-198 AND 139-21-201-001.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed site plan replaced an existing 72 unit multi-family development that was currently vacant. The development would be in-fill and was a redevelopment opportunity for the City. The applicant was proposing to reduce the density on the site to 10.8 dwelling units per acre and it would be a mixture of two and three bedroom units, many with garage parking facilities. The site plan showed compliance with parking requirements and the buildings were in general compliance with the Design Standards. The applicant had requested a number of waivers, the first was to allow vehicle access to have egress to the site using a local street, the second was to allow multi-family buildings exceeding one story to be located within 50 feet of an existing single-family home, the third was to allow buffer yards less than 20 feet in width adjacent to an abutting property, the fourth was to allow buildings containing windows to be located within 20 feet of a residential property and the fifth was to allow buildings within the development to have a separation of less than 20 feet. Based upon the odd shape of the development, and the fact that the project was in-fill for the City, the Multi-family Design Standards were difficult for the development to comply with; therefore, for the most part, Staff was in support of the application and supported all of the waiver requests. Since the development was an improvement to the neighborhood, and meets the definition of what the City was trying to get with in-fill, and they provided adequate open space, parking, and were in compliance with the Design Standards, Staff was recommending approval of SPR-06-08 with the deletion of Condition Nos. 10 and 11, which were duplicate conditions. The original recommended conditions are as follows:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.



2. The development shall comply with the Multi-Family Development Standards and Design Guidelines including but not limited to the following;
  - a. Only decorative walls or fences shall be provided within the site and along the property lines.
  - b. Wood siding shall not be accepted as a design element of the buildings.
  - c. All refuse collection areas shall be screened from view of rights-of-way and integrated into the site.
  - d. All landscape areas shall include shrubs that provide within two (2) years of planting a 60% of ground cover with 24" box tree strategically located.
3. The following exceptions
  - a. A minimum 15 foot buffer and building separations shall be maintained between the proposed townhomes and the existing single property line.
  - b. All townhome buildings shall maintain a minimum 15 foot building separation.
4. Parking spaces adjacent to any residential property line must be designed to accommodate a landscape triangle with a dimension of four (4) feet in length by four (4) feet in width for every three (3) parking spaces.
5. Each landscaping triangle must be provided with one (1) tree, a minimum of 24-inch in size, and ground cover (living plant material) in accordance with the Commercial Development Standards and Design Guidelines.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Lake Mead Boulevard.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. 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.
10. Half street improvements on Carver Avenue.
11. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.

12. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. All off-site improvements must be completed prior to final inspection of the first building.
17. 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*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
18. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
  1. Carver Avenue
19. The property owner is required to grant a roadway easement for the 3 x 30 foot CAT bus turn-out loading pad as per plans and Uniform Standard Drawing 234.2.
20. The property owner is required to grant roadway easements where public and private streets intersect.
21. All common elements shall be labeled and are to be maintained by the Home Owners Association.
22. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.

23. A relinquishment and/or vacation of any existing easements is required where in conflict with proposed buildings or improvements. .
24. That the following list of minimum amenities shall be provided:
  - a. Circuitous lighted paths and fitness course;
  - b. A minimum of twenty 24-inch box trees per acre. Location and numbers to be shown on the plan;
  - c. At least 2 differing, age-appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface (2 play structures total). Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes;
  - d. At least one (1) large open space area for group/organized play
  - e. A minimum of two (2) shaded picnic areas, which generally include picnic / barbecue grill(s), and trash receptacles(s);
  - f. Benches spaced along pathways;
  - g. Compliance with CNLV 2004 Parks Design Standards;
  - h. ADA accessibility; and
  - i. Details of amenities to be provided.
25. Fire access lanes shall be marked to prohibit parking in accordance with the fire code.
26. Fire access shall be to all exterior ground floor walls unless an acceptable alternate means of protection is approved.

**Keith Dusenberry, Elite Group, 21 Via Verona, Palm Beach Gardens, FL** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 10 AND 11

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

13. **SPR-07-08 (34407) DESERT OAKS PLAZA. AN APPLICATION SUBMITTED BY DIAMOND HEAD SIGN COMPANY ON BEHALF OF DESERT OAKS PLAZA, LLC, PROPERTY OWNER FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW TWO (2) 327-SQUARE-FOOT DIRECTORY SIGNS ALONG CRAIG ROAD WHERE ONE (1) 250-SQUARE-FOOT DIRECTORY SIGN IS THE MAXIMUM ALLOWED. THE PROPERTY IS LOCATED AT 4090 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-615-001.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of one directory sign that would be entitled to 327 square feet, which was based on other developments in the area and along Craig Road. Several other shopping centers had been able to do well with one directory sign and there was nothing unique or different regarding the site that would warrant an additional directory sign. Staff was recommending approval of SPR-07-08 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That one directory sign shall be allowed with 327 square feet of signage.
3. That the proposed sign shall not be located within a landscaped parking island.

**Maria VanDen Ouden, Diamond Head Sign Company, 3750 West Tompkins Avenue, Las Vegas, NV 89103** appeared on behalf of the applicant indicating the applicant concurred with Staff recommendation and they would increase the square footage to 327 square feet, which included the top of the sign with the shopping center name.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**14. FDP-02-08 (34419) BIGELOW AEROSPACE PARKING LOT. AN APPLICATION SUBMITTED BY BIGELOW AEROSPACE, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A 4.5 ACRE PARKING LOT FOR APPROXIMATELY 451 PARKING SPACES. THE PROPERTY IS LOCATED AT 1899 WEST BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-16-201-006.**

The application was presented by Bob Hoyes, Planner who explained the request was for approval of a final development plan for a 451 stall parking lot. The applicant requested a waiver of the Design Standards to provide landscaping within the parking lot area and based on a review by Staff and the fact that the parking lot would not be available or accessible to the public, but was for employees only, and was relatively obscure from view of public rights-of-way, and the fact that the applicant was proposing to construct carports over 212 of the parking stalls, Staff was recommending approval of FDP-02-08 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 development of this site shall comply with the requirements set forth in Ordinances 1459, 1491 and 1509.
3. That the development of this site shall comply with all applicable conditions of FDP-12-00.
4. That the development of this phase shall only include the 451-stall parking lot identified on the final development plan.
5. That landscaping within the parking lot shall be provided as indicated on the plan reviewed and approved by staff.
6. That a minimum 212 parking spaces shall be covered with carports. The carports shall be properly reviewed and approved through the building permit application process.
7. The building permit application packet shall properly identify all new landscaping, lighting and carports, and shall include but not be limited to, a landscape and irrigation plan, photometric lighting plan and structural plans for the carports.
8. All driveways, entrances and/or access easements into the site shall be reviewed and approved by the City Traffic Engineer prior to commencement of construction.

9. A minimum nine Accessible Spaces shall be provided, two of which shall be Van Accessible. Spaces shall be equally split between Covered and Non-Covered parking. Parking spaces shall be located on the shortest accessible route of travel from the adjacent parking to an accessible building entrance.
10. The slope of the emergency access roads shall not exceed those found in the Fire Code.
11. Payment of Phase II Traffic Signal Cost Participation is now due. Please contact Sonya Goetz at 633-1975 for payment arrangements.
12. Approval of a drainage study update is required prior to submittal of the civil improvement plans.

**Joe Kant, Bigelow Aerospace, 2899 West Brooks Avenue, North Las Vegas, NV 89030**

appeared on behalf of the applicant, giving an overview of the project. He asked that paragraph three of Staff's analysis be amended to delete the wording "The driveway that crosses Clark County School District property should be removed from the plans" and amend Condition Nos. 8, 9 and 11. He indicated they had the permission of Clark County School District to use the driveway that crossed their property temporarily during the time it took for construction. When they received their Certificate of Occupancy, the access would be closed. He asked that Condition No. 8 be deleted. He asked that Condition No. 9 be amended to offer an alternative solution suitable to Public Works Department. He explained they have an existing parking lot that was between the proposed parking lot and the existing building that could be utilized and striped for handicap accessibility and gave a better route for anyone who was handicapped. Mr. Kant explained he spoke with Sonya Goetz in Public Works, who indicated the Public Works Director approved collecting the monies owed for traffic signals to be postponed until the new building was submitted, which would be done in approximately one month. He pointed out the project would not be where it was today, if it was not for the outpouring of assistance from Mayor Pro Tempore Robinson, Maryann Ustick, Frank Fiori, Marc Jordan, and Bob Hoyes, who exceeded all of their expectations.

Chairman Steve Brown clarified the applicant wanted to delete Condition Nos. 8, 9 and 11. Mr. Kant responded they wanted to amend them. He asked that Condition No. 8 be amended to have the traffic study to be submitted upon submission of the building, which would be within 30 days, Condition No. 9, they were requesting to be allowed to submit an alternative location for the handicapped parking to the Building Department, and Condition No. 11 he asked that it be amended to state the monies owed for the traffic signals would be paid when the building was submitted.

Mr. Hoyes suggested since Building Safety was not present to comment on Condition No. 9, that prior to the language listed, that the words "subject to review and approval by the Building Safety Division" be added, which would give the applicant some flexibility to

work with Staff to resolve their concerns and deferred comment on Condition No. 11 to Public Works.

Jennifer Doody of Public Works indicated she agreed to amend Condition No. 11 as requested by the applicant.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NOS. 8, 9 AND 11 AMENDED TO READ:

8. ALL DRIVEWAYS, ENTRANCES AND/OR ACCESS EASEMENTS INTO THE SITE SHALL BE REVIEWED AND APPROVED BY THE CITY TRAFFIC ENGINEER PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE BUILDING.
9. SUBJECT TO REVIEW AND APPROVAL BY THE BUILDING SAFETY DIVISION, A MINIMUM NINE ACCESSIBLE SPACES SHALL BE PROVIDED, TWO OF WHICH SHALL BE VAN ACCESSIBLE. SPACES SHALL BE EQUALLY SPLIT BETWEEN COVERED AND NON-COVERED PARKING. PARKING SPACES SHALL BE LOCATED ON THE SHORTEST ACCESSIBLE ROUTE OF TRAVEL FROM THE ADJACENT PARKING TO AN ACCESSIBLE BUILDING ENTRANCE.
11. PAYMENT FOR PHASE II TRAFFIC SIGNAL COST PARTICIPATION DUE WHEN BUILDING PLAN IS SUBMITTED.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**There was a break in proceedings at 7:49 p.m.**

**The meeting reconvened at 8:00 p.m.**

**OLD BUSINESS**

15. **AMP-01-08 (33145) ANN/CLAYTON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HIGHPOINT SPRINGS REALTY ON BEHALF OF ANN COLEMAN, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY LOW (UP TO 6 DU/AC) AND COMMUNITY COMMERCIAL TO MULTI-FAMILY (UP TO 25 DU/AC). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-29-802-005, 124-29-802-006 AND 124-29-802-011. (CONTINUED JANUARY 9, 2008) (TABLED FEBRUARY 13, 2008) CONTINUED FEBRUARY 27, 2008)**

Item Nos. 15 and 16 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the surrounding properties were lower density residential, with mostly single-family low or single-family medium residential. Single-family medium allowed up to 13 units per acre and single-family low, with the current designation was up to six units per acre. The applicant was proposing R-3 and multi-family, which was up to 25 units per acre and Staff felt the proposed density was not appropriate. Higher density multi-family generally was more suited for an intersection of arterials and the site did not contain that. The closest transitional zoning would be the commercial along Coleman Street; however, Staff does not feel, based on the size and shape of the lots, that this makes an adequate transition from the commercial to residential, as it was surrounded on three sides by lower density; therefore, Staff was recommending denial of both AMP-01-08 and ZN-01-08.

**Lora Dreja, 520 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant explaining they had a 14 acre site located along two major arterials, indicating Ann Road and Clayton Street were 100 foot arterials, so they met the intent of the Code and were not routing traffic through residential areas or less intense areas. She explained there was a lot of commercial in the area that the residents of the project could walk to. She felt there was more of a site plan issue, instead of a zoning or land use issue, which could be dealt with at the site plan stage. She reminded the Commission that the land use plan stipulated that the area was residential, so regardless of whether they were zoned to R-3 or a lower density residential, the commercial out-parcel would still exist. The application was continued once to deal with purchasing the out-parcel, but an agreement could not be made. The application was also continued to allow the applicant to meet with the neighbors. A meeting was scheduled, but there was no one in attendance. She addressed concerns expressed in letters of opposition. There was concerns with the schools being overcrowded and she contacted the School District and discovered the parcel was zoned for Scott Elementary School, which would open in September of next



year. There was also concern that the project would be apartments, which would attract an undesirable element. The project would range from 700 square foot multi-family to 2200 square foot townhomes, which was comparable to the size of the homes in the surrounding residential area. There was also concern that factory built housing was being proposed. She explained the homes would be considered real property and were attached to a foundation and were of higher quality than a typical double-wide or stick built home.

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

**Richard Cherchio, 417 Horse Point Avenue, North Las Vegas, NV 89031** was opposed to the application and felt the rezoning was for financial gain and the current services could not handle higher densities and he did not think the School District was aware of the issues.

**Vince Caterino, 2119 West el Campo Grande Avenue, North Las Vegas, NV 89031** was opposed to the application and indicated he did not receive notice of the requested rezoning.

Commissioner Harry Shull asked Mr. Caterino if the applicant had held a meeting with the residents, but nobody showed up. Mr. Caterino responded that did not happen. Commissioner Harry Shull heard the applicant say they held a meeting, but nobody showed up.

Chairman Brown asked Ms. Dreja to explain. Ms. Dreja explained on February 21, 2008, she wrote a letter to those people who she had retrieved their letters of objection to and on February 21, 2008 she wrote to them, along with a cc to one Commissioner, indicating she would not be available for the next hearing and the application would be continued until March 26, 2008. On March 11, 2008 she invited those same people to a meeting on Monday, March 17, 2008 at the Aliante Library.

Commissioner Shull asked how many e-mails were sent out. Ms. Dreja responded she sent four e-mails and sent a letter to everyone who filled out a card at the first hearing.

Commissioner Brown stressed to Ms. Dreja, if the application was continued or denied tonight, that she be sure to get the names and addresses of all who were in attendance.

**Minerva Gomez, 2710 Tropical Sands Avenue, North Las Vegas, NV 89031** was opposed to the application, indicating there was a large number of vacant homes in the area and did not feel higher density homes were needed. She was attracted to the area due to the low density housing.

**Dawn Edwards, 2320 Maui Surf Avenue, North Las Vegas, NV 89-031** was opposed to the application and thought there would be a neighborhood meeting to discuss coming up with a happy medium. She has attended two meetings on the issue, submitted a letter of opposition and received no notification of a meeting from the developer. The current services could not handle more high density housing.

**Shelly Reese, 2203 Hawaiian Breeze, North Las Vegas, NV 89031** was opposed to the application and was concerned what would be built behind her home. She explained she worked at the elementary school three blocks from the proposed location and did not see the School District taking in all of the accountability of the students in that location and busing them three or four miles to Scott Elementary School. She did not see parents wanting their children bused 45 minutes to an hour when there was a school within walking distance.

**Frank Willey, 5542 Foxtail Ridge, North Las Vegas, NV 89031** was opposed to the application and agreed with other comments. It would negatively effect property values.

**Chuck Williams, 5422 Cypress Creek Street, North Las Vegas, NV 89031** was opposed to the application and knew what higher density housing brought to the area, as he was a firefighter/paramedic. He purchased his home with the knowledge that he was not buying in an area that was zoned high density.

**Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89084** was opposed to the application. He felt the rezoning of property to high density housing was hurting the image of North Las Vegas. He understood apartments were necessary, but were not appropriate at the proposed location.

**Doug Manning, 5841, Coleman Street, North Las Vegas, NV 89031** filled out a card in opposition but was not able to stay for comment.

**Darrell Causey, 5732 Kona Mt. Street, North Las Vegas, NV 89031** was opposed to the application and indicated he had not received notification of a meeting to be held by the applicant and had been at all hearings on the application and filled out a card.

**Patricia Persico, 2120 Easedale Court, North Las Vegas, NV 89031** was opposed to the application and had spoken to neighbors who were not aware of the application. She indicated the residents would like to work with the applicant to come up with suggestions on things that would bring jobs to the community, not more vacant housing.

**Stephanie Welborn, 2506 Inlet Spring, North Las Vegas, NV 89031** was opposed to the application and felt the property owner knew the zoning when they purchased the property. She did not believe people would spend \$200,000 on a condo when they could purchase a home in Aliante for less than that. Once the zoning was changed, the applicant could change their mind and build apartments. She did not see a notice posted on the property and was not notified of a neighborhood meeting.

**Patricia Gunz 2224 Fountain Valley Way, North Las Vegas, NV 89031** was opposed to the application.

**Paul Palmer, 2114 Maui Surf, North Las Vegas, NV 89031** was opposed to the application.

**Stanley Hardin, 2028 Silver Blaze Court, North Las Vegas, NV 89031** was opposed to the application due to the overcrowding of schools. He currently has two children, who attend different schools, one being a nine month and the other a year round school, which was not conducive for a family.

**Anthony Frederick, 2031 Rustler Ridge, North Las Vegas, NV 89031** was opposed to the application and agreed with comments made by others and felt higher density would bring more crime to the area.

**Tracy Shebay, 5728 Kona Mtn. Street, North Las Vegas, NV 89031** was opposed to the application and indicated there were homes in the area selling for less than the proposed amount the townhomes would sell for.

**Jasmine Koster, 5808 Coleman Street, North Las Vegas, NV 89031** was opposed to the application and indicated property values had dropped and there would be an increase in traffic and was worried Tropical Parkway and Clayton Street would be used as thoroughfares.

**Cynthia Cramer, and Ronnie Cramer, 2507 Inlet Spring Avenue, North Las Vegas, NV 89031** filled out cards in opposition but did not speak.

**Maria Omen, 5828 Elfin Court, North Las Vegas, NV 89031** did not feel anyone would be walking to work. There was a problem with people speeding where children were playing.

Chairman Brown asked if there was anyone else in the audience who was opposed to the application but did not want to come up to the microphone. Chairman Brown noted there was approximately a dozen people in attendance who were opposed but did not fill out cards.

Chairman Brown closed the Public Hearing.

Ms. Dreja explained in terms of a community meeting per the Amendment to the Master Plan for NRS Standards, a meeting was held on December 27, 2008, which was adequately notified and she personally signed the affidavit. As far as the Public Hearing notices for the Planning Commission meetings, that was done by the City, so she could not comment on those notices. She commented on the overcrowding of the schools and explained the School District did not comment on the application, as they do not object to it because they have the capacity to handle any students the project would generate. She explained the National Association of Home Builders conducted a nationwide survey and found no evidence that property values were diminished by low rise buildings and she was not aware of any statistics supporting the fact that there was more crime generated by multi-family living. She felt the worst things that could be done for property values was to add more of the same type of product to the site, as there would be even more single family homes competing against houses that had been lived in.

Commissioner Dilip Trivedi asked the applicant if she was willing to have another meeting with the residents. Ms. Dreja responded she had contacted her client and he and the investors were on a time line. She was willing to have more dialogue with them, especially since they had not confirmed the site plan; but, she preferred to do that between now and when the application was heard by City Council.

Chairman Brown stated there was room for negotiation and change on a site plan, but was not sure there was room for negotiation or change on an AMP and did not feel meeting with the residents would help, as it was obvious they were against the project and he agreed with them.

Commissioner Ned Thomas indicated the proposed amendment to the master plan and the zone change were not compatible with the area and it would be unfair to change the rules on all of the people who had moved into and invested in the community. It was far past time that the quality of life in North Las Vegas be addressed. He felt all of Ms. Dreja's arguments were good, but they did not apply to the site and further dialogue with the neighbors was futile, as it was clear the residents did not want the development in their community.

Commissioner Jay Aston stated on Ann Road there was a lot of housing that backed up to the street and there was a spot for commercial and with Staff recommending denial and lack of support for the project, he was not in support of the application.

Commissioner Dean Leavitt indicated when he first met with the applicant regarding the proposed project, he was excited, but it was in a bad location and if the application was approved, they would be spot zoning. The design was innovative and had definite

possibilities but was not a good fit on Ann Road and was not in support of the application.

Commissioner Harry Shull concurred with other Commissioner's comments. He explained that all communities require all types of housing and even Summerlin and the master planned communities had multi-family projects dispersed throughout their communities, but he agreed this was not the right location for the proposed project.

Commissioner Jo Cato indicated she had met with the applicant and felt the product was innovative, but agreed with other Commissioners that this was not the right location and was not in support of the application.

Chairman Leavitt agreed with other Commissioners that the location was not right. Had the property already been zoned R-3 when the residents purchased their homes, it would be a great product. If the application was approved, it would be a blanket zoning change and the proposed project would not necessarily be the one built on the property.

ACTION: DENIED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

16. **ZN-01-08 (33237) ANN/CLAYTON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HIGHPOINT SPRINGS REALTY ON BEHALF OF ANN COLEMAN LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-29-802-005, 124-29-802-006 AND 124-29-802-011. (CONTINUED JANUARY 9, 2008) (TABLED FEBRUARY 13, 2008) (CONTINUED FEBRUARY 27, 2008)**

The following was carried forward from Item No. 15:

*The application was presented by Robert Eastman, Principal Planner who explained the surrounding properties were lower density residential, with mostly single-family low or single-family medium residential. Single-family medium allowed up to 13 units per acre and single-family low, with the current designation was up to six units per acre. The applicant was proposing R-3 and multi-family, which was up to 25 units per acre and Staff felt the proposed density was not appropriate. Higher density multi-family generally was more suited for an intersection of arterials and the site did not contain that. The closest transitional zoning would be the commercial along Coleman Street; however, Staff does not feel, based on the size and shape of the lots, that this makes an adequate transition from the commercial to residential, as it was surrounded on three sides by lower density; therefore, Staff was recommending denial of both AMP-01-08 and ZN-01-08.*

**Lora Dreja, 520 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant explaining they had a 14 acre site located along two major arterials, indicating Ann Road and Clayton Street were 100 foot arterials, so they met the intent of the Code and were not routing traffic through residential areas or less intense areas. She explained there was a lot of commercial in the area that the residents of the project could walk to. She felt there was more of a site plan issue, instead of a zoning or land use issue, which could be dealt with at the site plan stage. She reminded the Commission that the land use plan stipulated that the area was residential, so regardless of whether they were zoned to R-3 or a lower density residential, the commercial out-parcel would still exist. The application was continued once to deal with purchasing the out-parcel, but an agreement could not be made. The application was also continued to allow the applicant to meet with the neighbors. A meeting was scheduled, but there was no one in attendance. She addressed concerns expressed in letters of opposition. There was concerns with the schools being overcrowded and she contacted the School District and discovered the parcel was zoned for Scott Elementary School, which would open in September of next year. There was also concern that the project would be apartments, which would attract an undesirable element. The project would range from 700 square foot multi-family to 2200 square foot townhomes, which was comparable to the size of the homes in the surrounding

*residential area. There was also concern that factory built housing was being proposed. She explained the homes would be considered real property and were attached to a foundation and were of higher quality than a typical double-wide or stick built home.*

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

**Richard Cherchio, 417 Horse Point Avenue, North Las Vegas, NV 89031** *was opposed to the application and felt the rezoning was for financial gain and the current services could not handle higher densities and he did not think the School District was aware of the issues.*

**Vince Caterino, 2119 West el Campo Grande Avenue, North Las Vegas, NV 89031** *was opposed to the application and indicated he did not receive notice of the requested rezoning.*

*Commissioner Harry Shull asked Mr. Caterino if the applicant had held a meeting with the residents, but nobody showed up. Mr. Caterino responded that did not happen. Commissioner Harry Shull heard the applicant say they held a meeting, but nobody showed up.*

*Chairman Brown asked Ms. Dreja to explain. Ms. Dreja explained on February 21, 2008, she wrote a letter to those people who she had retrieved their letters of objection to and on February 21, 2008 she wrote to them, along with a cc to one Commissioner, indicating she would not be available for the next hearing and the application would be continued until March 26, 2008. On March 11, 2008 she invited those same people to a meeting on Monday, March 17, 2008 at the Aliante Library.*

*Commissioner Shull asked how many e-mails were sent out. Ms. Dreja responded she sent four e-mails and sent a letter to everyone who filled out a card at the first hearing.*

*Commissioner Brown stressed to Ms. Dreja, if the application was continued or denied tonight, that she be sure to get the names and addresses of all who were in attendance.*

**Minerva Gomez, 2710 Tropical Sands Avenue, North Las Vegas, NV 89031** *was opposed to the application, indicating there was a large number of vacant homes in the area and did not feel higher density homes were needed. She was attracted to the area due to the low density housing.*

**Dawn Edwards, 2320 Maui Surf Avenue, North Las Vegas, NV 89-031** *was opposed to the application and thought there would be a neighborhood meeting to discuss coming up with a happy medium. She has attended two meetings on the issue, submitted a letter of opposition and received no notification of a meeting from the developer. The current services could not handle more high density housing.*

**Shelly Reese, 2203 Hawaiian Breeze, North Las Vegas, NV 89031** was opposed to the application and was concerned what would be built behind her home. She explained she worked at the elementary school three blocks from the proposed location and did not see the School District taking in all of the accountability of the students in that location and busing them three or four miles to Scott Elementary School. She did not see parents wanting their children bused 45 minutes to an hour when there was a school within walking distance.

**Frank Willey, 5542 Foxtail Ridge, North Las Vegas, NV 89031** was opposed to the application and agreed with other comments. It would negatively effect property values.

**Chuck Williams, 5422 Cypress Creek Street, North Las Vegas, NV 89031** was opposed to the application and knew what higher density housing brought to the area, as he was a firefighter/paramedic. He purchased his home with the knowledge that he was not buying in an area that was zoned high density.

**Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89084** was opposed to the application. He felt the rezoning of property to high density housing was hurting the image of North Las Vegas. He understood apartments were necessary, but were not appropriate at the proposed location.

**Doug Manning, 5841, Coleman Street, North Las Vegas, NV 89031** filled out a card in opposition but was not able to stay for comment.

**Darrell Causey, 5732 Kona Mt. Street, North Las Vegas, NV 89031** was opposed to the application and indicated he had not received notification of a meeting to be held by the applicant and had been at all hearings on the application and filled out a card.

**Patricia Persico, 2120 Easedale Court, North Las Vegas, NV 89031** was opposed to the application and had spoken to neighbors who were not aware of the application. She indicated the residents would like to work with the applicant to come up with suggestions on things that would bring jobs to the community, not more vacant housing.

**Stephanie Welborn, 2506 Inlet Spring, North Las Vegas, NV 89031** was opposed to the application and felt the property owner knew the zoning when they purchased the property. She did not believe people would spend \$200,000 on a condo when they could purchase a home in Aliante for less than that. Once the zoning was changed, the applicant could change their mind and build apartments. She did not see a notice posted on the property and was not notified of a neighborhood meeting.

**Patricia Gunz 2224 Fountain Valley Way, North Las Vegas, NV 89031** was opposed to the application.



**Paul Palmer, 2114 Maui Surf, North Las Vegas, NV 89031** was opposed to the application.

**Stanley Hardin, 2028 Silver Blaze Court, North Las Vegas, NV 89031** was opposed to the application due to the overcrowding of schools. He currently has two children, who attend different schools, one being a nine month and the other a year round school, which was not conducive for a family.

**Anthony Frederick, 2031 Rustler Ridge, North Las Vegas, NV 89031** was opposed to the application and agreed with comments made by others and felt higher density would bring more crime to the area.

**Tracy Shebay, 5728 Kona Mtn. Street, North Las Vegas, NV 89031** was opposed to the application and indicated there were homes in the area selling for less than the proposed amount the townhomes would sell for.

**Jasmine Koster, 5808 Coleman Street, North Las Vegas, NV 89031** was opposed to the application and indicated property values had dropped and there would be an increase in traffic and was worried Tropical Parkway and Clayton Street would be used as thoroughfares.

**Cynthia Cramer, and Ronnie Cramer, 2507 Inlet Spring Avenue, North Las Vegas, NV 89031** filled out cards in opposition but did not speak.

**Maria Omen, 5828 Elfin Court, North Las Vegas, NV 89031** did not feel anyone would be walking to work. There was a problem with people speeding where children were playing.

Chairman Brown asked if there was anyone else in the audience who was opposed to the application but did not want to come up to the microphone. Chairman Brown noted there was approximately a dozen people in attendance who were opposed but did not fill out cards.

Chairman Brown closed the Public Hearing.

Ms. Dreja explained in terms of a community meeting per the Amendment to the Master Plan for NRS Standards, a meeting was held on December 27, 2008, which was adequately notified and she personally signed the affidavit. As far as the Public Hearing notices for the Planning Commission meetings, that was done by the City, so she could not comment on those notices. She commented on the overcrowding of the schools and explained the School District did not comment on the application, as they do not object to it because they have the capacity to handle any students the project would generate. She explained the National Association of Home Builders conducted a nationwide survey and

*found no evidence that property values were diminished by low rise buildings and she was not aware of any statistics supporting the fact that there was more crime generated by multi-family living. She felt the worst things that could be done for property values was to add more of the same type of product to the site, as there would be even more single family homes competing against houses that had been lived in.*

*Commissioner Dilip Trivedi asked the applicant if she was willing to have another meeting with the residents. Ms. Dreja responded she had contacted her client and he and the investors were on a time line. She was willing to have more dialogue with them, especially since they had not confirmed the site plan; but, she preferred to do that between now and when the application was heard by City Council.*

*Chairman Brown stated there was room for negotiation and change on a site plan, but was not sure there was room for negotiation or change on an AMP and did not feel meeting with the residents would help, as it was obvious they were against the project and he agreed with them.*

*Commissioner Ned Thomas indicated the proposed amendment to the master plan and the zone change were not compatible with the area and it would be unfair to change the rules on all of the people who had moved into and invested in the community. It was far past time that the quality of life in North Las Vegas be addressed. He felt all of Ms. Dreja's arguments were good, but they did not apply to the site and further dialogue with the neighbors was futile, as it was clear the residents did not want the development in their community.*

*Commissioner Jay Aston stated on Ann Road there was a lot of housing that backed up to the street and there was a spot for commercial and with Staff recommending denial and lack of support for the project, he was not in support of the application.*

*Commissioner Dean Leavitt indicated when he first met with the applicant regarding the proposed project, he was excited, but it was in a bad location and if the application was approved, they would be spot zoning. The design was innovative and had definite possibilities but was not a good fit on Ann Road and was not in support of the application.*

*Commissioner Harry Shull concurred with other Commissioner's comments. He explained that all communities require all types of housing and even Summerlin and the master planned communities had multi-family projects dispersed throughout their communities, but he agreed this was not the right location for the proposed project.*

*Commissioner Jo Cato indicated she had met with the applicant and felt the product was innovative, but agreed with other Commissioners that this was not the right location and was not in support of the application.*

*Chairman Leavitt agreed with other Commissioners that the location was not right. Had the property already been zoned R-3 when the residents purchased their homes, it would be a great product. If the application was approved, it would be a blanket zoning change and the proposed project would not necessarily be the one built on the property.*

ACTION: DENIED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

17. **UN-97-07 (32218) AAA DISCOUNT STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BENJAMIN DONEL ON BEHALF OF DONEL DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 2647 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-302-005 AND 139-13-301-002. (CONTINUED SEPTEMBER 26 AND DECEMBER 12, 2007 AND MARCH 12, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained revisions were submitted earlier in the day, and since the applicant was not present, it was recommended to continue the application to April 23, 2008, to allow Staff adequate time to review the plans and submit a revised memo prior to the meeting.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 23, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

Commissioner Dean Leavitt suggested the City consider handling Amendments to the Master Plan the same as the County, possibly on a quarterly basis, to slow down growth in the City.

Commissioner Harry Shull disagreed, explaining the process already took a considerable amount of time and in the County it could take more than a year to process and amendment to the master plan.

**ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

APPROVED: April 23, 2008

/s/ Steve Brown  
Steve Brown, Chairman

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