

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

May 28, 2008

***All Staff Reports and attachments are available on the City's  
Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)***

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

**CALL TO ORDER:** 6:00 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 Angelo Carvalho - Present

**STAFF PRESENT:** Frank Fiori, Acting Planning & Zoning Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Paul Yadro, Planner  
Bethany Sanchez, Deputy City Attorney II  
Jennifer Doody, Development & Flood Control  
Eric Hawkins, Public Works  
Mike Steele, Fire Department  
Michelle Menart, Parks Planner  
Anita Sheldon, Assistant City Clerk

**VERIFICATION:** Anita Sheldon, Assistant City Clerk

**PLEDGE OF ALLEGIANCE:** Commissioner Jo Cato

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING  
OF APRIL 23, 2008**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: Angelo Carvalho

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

**NEW BUSINESS**

1. **UN-49-08 (35176) NEVADA DELCO LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NEVADA DELCO LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2446 - 2458 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-15-802-014.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant had use permits to conduct auto repairs in a few of the suites available on the site; however, those use permits did not apply to the entire site. The applicant was contacted by North Las Vegas Business License indicating some of the businesses were in violation of the requirement so the applicant was requesting a blanket use permit that would apply to the entire site. According to the site plan, the site was in compliance with the parking requirements and there were a couple of areas on the site that could be used for the storage of automobiles awaiting repair. The Fire Department indicated the buildings on the site would need to meet the group "S" occupancy requirements, which would mean they may need fire sprinklers, which would be reviewed by Staff at the time tenant improvement permits were requested, or through fire inspections. Staff was recommending approval of UN-49-08 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. All work shall be performed within a building.
3. All vehicles awaiting repairs over night shall be stored inside a building or inside a fenced protected area.
4. Approval of a traffic study is required prior to submittal of the civil improvement plans.
5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Losee Road.
6. 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.
7. 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.

8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. No driveway shall be located within six (6) feet of a curb return, light pole, fire hydrant or other utility features. Compliance may require modifications to the site.
10. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed shall be placed underground.
11. This application shall comply with the *City of North Las Vegas Municipal Code* and NRS 278. Conformance may require modifications to the site.
12. Fire department access roads shall be marked by painting curbs, or where no curbs are provided, by painting a red stripe on the outer boundary of both sides.
13. Fire department access roads shall be marked to prohibit parking in accordance with the Fire Code.

**Mike Del Fante, 8820 West Verde Way, Las Vegas, NV 89149** indicated 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 Cato

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

NAYS: None

ABSTAIN: None

**2. UN-53-08 (35260) FIRST SPANISH BAPTIST CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JUAN SCLAFANI ON BEHALF OF FIRST SPANISH BAPTIST CHURCH, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT TO ALLOW A SCHOOL. THE PROPERTY IS LOCATED AT 3770 WEST WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-604-011.**

The application was presented by Marc Jordan, Planning Manager who explained the school would range from grades Kindergarten through Twelve. There was currently a use permit for the church and were operating the school without a permit and were informed they would need to go through the formal process to request the school through a special use permit. In reviewing the application, Staff had no objection. The parking requirements were met. Staff was recommending approval of UN-53-08 and that it be forwarded to City Council for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development shall comply with the conditions of approval for UN-17-03
3. Maximum number of students shall be determined by the code analysis reviewed and approved by the Building Department and the Fire Department.
4. The applicant shall submit a traffic study update for review and approval.
5. Building plans, including a complete code analysis shall be submitted to the Permit Application Center for the City of North Las Vegas demonstrating compliance with a Group E occupancy classification.

**Mark McGinty with SH Architects, 7373 Peak Drive, Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

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

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Shull**

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

**NAYS: None**

**ABSTAIN: None**

**3. UN-51-08 (35250) AREA 702 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIM THURTLIE ON BEHALF OF SOUTH-TECH SIMMONS 3040C LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR RECREATION FACILITY (SKATEBOARD PARK). THE PROPERTY IS LOCATED AT 3040 SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-044.**

The application was presented by Marc Jordan, Planning Manager who explained much of the industrial area had been converted to some type of indoor recreational uses through use permits. Building "C", already had approval for the Batter-up batting cages and the Jump Zone and there was also a tile store in the building and the applicant would be occupying the remainder of the building. Parking was one of the issues Staff had with the use. There were approximately 26 parking spaces with an overall 90 spaces on the site, 26 spaces that could be allocated to each of the special uses, the batting cages, indoor jump and the proposed use and the tile store would be allocated the remaining 14 spaces. Based upon that, there would be approximately four passengers per car, which would give an occupancy load of approximately 104 persons. There is a condition listing that occupancy not exceed 104 persons, unless approved through an appropriate parking study which would allow a reduction in parking allowing the occupancy to be increased and would be in conjunction with the applicant complying with Fire Safety Codes and IBC Codes required for that type of use in an industrial building. Staff also indicated, because they felt there could be pedestrians or children coming to the facility on their skateboards, that they would ensure that any pedestrian markings within the parking lots that get faded or removed for any reason, be replaced and be consistent with improvement plans that were approved by the City. There was one letter of opposition from Christopher Richardson as they were concerned about the type of use in an industrial park. 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 UN-51-08 is site-specific and non-transferable.
3. That all associated activities take place within the building.
4. That all pedestrian access paths be re-painted and signed in accordance with the approved Civil Improvement Plans. If the access paths and signs were not provided during the original construction, then the applicant shall submit all necessary documents through the Department of Public Works to ensure that adequate on-site pedestrian access ways are provided prior to the issuance of a Certificate of Occupancy. It may be necessary to provide additional signage due to the fact that pedestrians are expected within the industrial complex, subject to review and approval by the Department of Public Works.

5. That the applicant have a CPTED analysis performed by the Police Department that demonstrates all appropriate measures (e.g., posting signs, providing additional lighting to the outside of the building, etc.) to ensure that all skateboarding activities take place inside the building. "No Loitering" type signs shall also be posted in accordance with the North Las Vegas Municipal Code.
6. That the maximum occupancy (i.e., patrons, employees, spectators) of the building shall not exceed 104 people, unless the applicant demonstrates with a parking study that additional occupancy can be accommodated based on one parking space for every four occupants. The parking study shall be prepared and stamped by a Nevada-licensed professional certified to prepare said study. The applicant shall provide evidence of parking compliance and record a Reciprocal Parking Agreement prior to the issuance of a Certificate of Occupancy.
7. The applicant shall submit a traffic study update for review and approval.
8. Building plans with a complete code analysis shall be submitted to the Permit Application Center for the City of North Las Vegas. The plans shall either demonstrate the existing portion of the building complies with the intended use or shall indicate changes to be made to gain code compliance with the intended use. The space shall not be occupied until such time the City approves the change of occupancy.
9. New indoor recreational facility will be considered as occupancy group A for assembly and plans need to specify uses of adjacent tenants.
10. Existing or new wall separation may be rated higher depending on the occupancy group of the adjacent tenants.

**Tim Thurtle, 6010 Cheyenne Avenue, Suite 16, North Las Vegas, NV** appeared on behalf of the applicant explaining he also took the space where the tile store was located and thought there was some confusion regarding the parking.

Chairman Brown clarified there was a 102 occupancy limit. Staff indicated the occupancy rate was 104. Chairman Brown asked how many parking spaces were available to the applicant. Mr. Jordan responded, according to the Staff Report, they were allocated 26 parking spaces. Chairman Brown asked if it made a difference if they were occupying the space where the tile store was previously located.

Chairman Brown asked the applicant if there would be tournaments. Mr. Thurtle responded there would be special events for the kids and also instructional classes. Chairman Brown asked the applicant if he was aware of the occupancy limit. Mr. Thurtle responded they were asking for an occupancy waiver for a maximum occupancy of 150. When there were special events, they would be providing extra bathroom facilities and security. Due to the skate park insurance and children coming and going on skateboards, they offered to post

signs and would make sure patrons understood there was no skateboarding outside of the facility and would be providing outside security to make sure that did not happen.

Mr. Jordan explained Staff did not have some of the necessary information to calculate the parking and occupancy, so had to base the occupancy on the information in the Staff Report. He explained there was flexibility in the parking and in the occupancy rate with the parking study. Staff was not previously aware of changes in uses in the building; therefore, were not comfortable amending the conditions without knowing more information about the site and Condition No. 6 gave the applicant some flexibility on the parking issue.

Chairman Brown explained to the applicant that he could continue the application to have changes made in the parking and occupancy or it could be voted on tonight and the applicant would be required to submit a parking study showing the additional spaces were warranted based on the changes that had occurred on the site.

Commissioner Jay Aston asked the condition could be amended so the applicant would not have to go through the process again. Robert Eastman, Principal Planner explained Condition No. 6 gave the flexibility so that it could be changed administratively so the applicant would not need to come back before the Commission.

Mr. Thurtle indicated he agreed with Staff recommendation.

Commissioner Dilip Trivedi asked how an occupant load limit could be enforced on a tenant improvement. Mr. Jordan responded many condition were not enforceable; but, if it was determined a tenant was not complying, a citation could be issued.

Chairman Brown added there were also liability issues if the owner exceeded the occupancy limit and someone was hurt.

**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 Carvalho**

**NAYS: None**

**ABSTAIN: None**



**4. UN-47-08 (35131) ANN & FERRELL RV STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PACIFIC DESIGN CONCEPTS ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE EXPANSION OF AN EXISTING MINI-WAREHOUSING FACILITY TO ADD RECREATIONAL VEHICLE STORAGE. THE PROPERTY IS LOCATED AT 3150 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated there would be storage for approximately 176 recreational vehicles on the site. An RV storage facility by itself in a C-1 District would not be allowed; but, because it was in conjunction with an existing mini-warehousing facility, it could be considered through the use permit process, which was consistent with other mini-warehousing complexes in North Las Vegas with a small component for RV storage. As part of the request, the applicant was proposing a 15'4" wall that would surround the RV area which would help screen and secure the site. The applicant was in compliance with the parking requirements and the Fire Department indicated it would be classified as a Group "S" Occupancy, which would require fire sprinklers. Staff was recommending approval of UN-47-08 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. At the time of the building permits, the applicant must submit detailed landscape plans showing the perimeter landscaping including tree wells for review and approval of the Planning & Zoning Department.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. A queuing analysis is required.
7. The outline of the largest vehicle it access this site shall be shown on the civil improvement plans to determine whether the driveway is wide enough to accommodate ingressing and egressing vehicles. Modifications may be required if the driveway is not wide enough.

8. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
9. 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.
10. All off-site improvements must be completed prior to final inspection of the first building.
11. Provide a copy of the recorded shared access agreement with APN 124-29-402-009.
12. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
13. The gates across fire access roads (primary and secondary) shall be a minimum of 24 feet wide. Operation of such gates shall be per the fire code.
14. Vertical clearance shall not be less than 13'-6".
15. Fire lanes shall be marked per the fire code to restrict parking.
16. The proposed roof and post structures of the canopies on the north side adjacent to the property line shall be fire rated per IBC 2006 requirements.

The applicant was not present for comment.

Chairman Steve Brown asked Staff if the applicant needed a variance requested in Item No. 5 in order for this application to be approved. Mr. Jordan responded the variance was not needed. The RV storage could be used without a 15' wall, but without the applicant present, the only concern he had was the reasons for the wall was for security and screening.

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 Carvalho  
NAYS: None  
ABSTAIN: None

5. **VN-08-08 (35129) ANN & FERRELL RV STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PACIFIC DESIGN CONCEPTS ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 15 FOOT 4 INCH HIGH PERIMETER WALL WHERE TEN (10) FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT 3150 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002.**

The application was presented by Marc Jordan, Planning Manager who explained the block wall would be located on the property lines facing Ferrell Street and the southern property line, where there was commercial and on the east property line where there was a commercial center. The variance would be in conjunction with the use permit that would allow for the screening and security of the proposed RV storage. The applicant indicated they would have five feet of landscaping on the outside of the wall on the internal areas where there was commercial and 20 feet of landscaping on Ferrell Street. There would also be tree wells incorporated within the wall to help break up the wall and be able to plant trees next to the wall in addition to the normal ground coverage required. Staff was recommending approval of VN-08-08 subject to the following conditions:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances; and
2. A twenty (20) foot wide perimeter landscape area is required along the frontage of Ferrell Street and a ten (10) foot wide tree wells along the south and east property lines. The proposed landscape area must include 36" box trees spaced every thirty (30) feet on center along Ferrell Street and in the proposed tree wells. In addition, all landscape areas must achieve a minimum of 60% ground coverage within two (2) years from the time a final inspection is issued for the walls.
3. Comply with the conditions of approval for UN-47-08.
4. The proposed 15'-4" decorative block wall must comply with the requirements of International Building Code (IBC) 2006.

The applicant was not present for comment.

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

- **Jim Shoughro, 5660 North Ferrell Street, North Las Vegas, NV 89031** had a car wash next to the site and if a wall was installed which was 33% higher than anything around, it would look like a prison. The mini warehouse currently has RV's on site

and there was not a 15' wall protecting them. A 15' wall would create a canvass for graffiti artists. He was not opposed to the RV storage but was opposed to the 15' block wall.

Chairman Brown clarified Mr. Shoughro was located just southwest of the site and asked if there was a wall between his business and the restaurant. Mr. Shoughro responded the was not.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt asked Staff their feeling on the wall height. Mr. Jordan recommended the application be continued for at least two weeks to allow the applicant to address the issue.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

6. **UN-54-08 (35263) LOSEE TOP DOLLAR RECYCLING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARK EWANKO ON BEHALF OF TOP DOLLAR RECYCLING, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A RECYCLING CENTER WITH OUTSIDE ACTIVITIES OR STORAGE. THE PROPERTY IS LOCATED AT 3417 LOSEE RD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-11-701-008 AND 139-11-701-009.**

The application was presented by Robert Eastman, Principal Planner who explained the use would be located in an existing building that was currently vacant. The applicant was proposing to use the facility as a recycling center which would store and recycle metals, plastics, and cardboard. The applicant was in compliance with the parking requirement and would need to add some additional landscaping, which was not currently on the site. Additionally, the applicant had begun work on repainting the building, which was not in compliance with the Design Standards for the community. The paint colors would need to be indigenous to the valley and with the approval, the applicant would be required to repaint the building. In general, the use permit was in compliance with the other Design Standards. It does not appear to be detrimental to the neighborhood or the community and Staff was recommending approval of UN-54-08. For the record, there was a neighbor, Stewart Leapson, representing a trust who owns property adjacent to the site, who submitted a letter in opposition to the use.

**Mark Ewanko, 5125 West Reno, Las Vegas, NV** 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 Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

**Item No. 18 was heard next.**

7. **AMP-05-08 (35212) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REALIGN COLLETTE STREET AND SEVERANCE LANE. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY AND WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-14-000-002, 124-14-000-006, 124-23-501-005 AND 124-23-501-007.**

It was requested by the applicant to continue AMP-05-07 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

8. **GED-02-08 (35214) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING, LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-006.**

It was requested by the applicant to continue GED-02-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None



9. **ZN-13-08 (35213) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY AND C-2/MPC, GENERAL COMMERCIAL DISTRICT/MASTER PLANNED COMMUNITY TO PUD/MPC, PLANNED UNIT DEVELOPMENT DISTRICT/MASTER PLANNED COMMUNITY CONSISTING OF A HOTEL, CASINO AND RETAIL COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-006.**

It was requested by the applicant to continue ZN-13-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

10. **UN-50-08 (35207) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY AND C-2/MPC, GENERAL COMMERCIAL DISTRICT/MASTER PLANNED COMMUNITY (PROPOSED PUD/MPC, PLANNED UNIT DEVELOPMENT DISTRICT/MASTER PLANNED COMMUNITY) TO ALLOW A HOTEL/CASINO. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-006.**

It was requested by the applicant to continue UN-50-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

11. **ZN-14-08 (35210) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING, LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY, PSP/MPC, PUBLIC/SEMI-PUBLIC/MASTER PLANNED COMMUNITY AND MUZ/MPC, PARK HIGHLANDS MIXED USE CENTER/MASTER PLANNED COMMUNITY TO C-2/MPC, GENERAL COMMERCIAL DISTRICT/MASTER PLANNED COMMUNITY. THE PROPERTY IS GENERALLY LOCATED WEST OF LOSEE ROAD AND APPROXIMATELY 1850 FEET NORTH OF THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002.**

It was requested by the applicant to continue ZN-14-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

12. **ZN-15-08 (35216) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM MUZ/MPC, PARK HIGHLANDS MIXED USE CENTER/MASTER PLANNED COMMUNITY AND RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY TO PSP/MPC, PUBLIC/SEM- PUBLIC/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY AND WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002.**

It was requested by the applicant to continue ZN-15-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

13. **ZN-16-08 (35215) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM MUZ/MPC, PARK HIGHLANDS MIXED USE CENTER/MASTER PLANNED COMMUNITY TO PSP/MPC, PUBLIC/SEMI-PUBLIC/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY BETWEEN NORTH 5<sup>TH</sup> STREET AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002.**

It was requested by the applicant to continue ZN-16-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

14. **ZN-17-08 (35219) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM RZ6/MPC, RESIDENTIAL ZONE UP TO 6 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY TO RZ10/MPC, RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY BETWEEN NORTH 5<sup>TH</sup> STREET AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002.**

It was requested by the applicant to continue ZN-17-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

15. **ZN-18-08 (35243) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY TO C-2/MPC, GENERAL COMMERCIAL/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY AND APPROXIMATELY 950 FEET WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-23-501-005.**

It was requested by the applicant to continue ZN-18-08 to June 11, 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 JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

16. **VAC-05-08 (35085) PARK HIGHLANDS/ELKHORN & N5TH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUMMERSET DEVELOPMENT ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, TO VACATE DRAINAGE EASEMENTS RELATED TO THE DETENTION BASIN WITHIN PARK HIGHLANDS. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY BETWEEN COMMERCE STREET AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-15-000-003, 124-14-000-002 AND 124-14-000-001.**

It was requested by the applicant to continue VAC-05-08 to August 27, 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 AUGUST 27, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 20 was heard next.**



17. **FDP-04-08 (35258) CRAIG & ALLEN. AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF CRAIG ALLEN DEVELOPMENT LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN AN MUD/MX2, MIXED USE DEVELOPMENT/COMMUNITY MIXED USE CENTER DISTRICT CONSISTING OF 312 MULTI-FAMILY UNITS AND APPROXIMATELY 50,687 SQUARE FEET OF COMMERCIAL/RETAIL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-06-701-012 AND 139-06-701-013.**

It was requested by the applicant to continue FDP-04-08 to June 11, 2008.

ACTION: CONTINUED TO JUNE 11, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

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

**18. FDP-03-08 (35244) BIGELOW AEROSPACE PRODUCTION. AN APPLICATION SUBMITTED BY BIGELOW AEROSPACE LLC ON BEHALF OF BIGELOW FAMILY SPC, INC., PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A 181,500-SQUARE-FOOT EXPANSION TO AN EXISTING BUILDING. THE PROPERTY IS LOCATED AT 1899 WEST BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-16-201-006.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to expand their existing 50 acre PUD with a 182,000 square foot building. The building would be used for the construction of their aerospace industry. The building was not in conformance with the Design Standards; however, the PUD was originally approved with a different standard. The building being proposed was in compliance with the neighboring buildings on the site and met the same architectural theme already established with the PUD. The landscaping and parking requirements have been met. The building will have some portions that are up to 115 feet in height to accommodate cranes and construction of their aerospace facility. Staff was recommending that FDP-03-08 be approved 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 and FDP-02-08.
4. That the development of this phase shall only include the 181,500±-square-foot expansion, also known as Building A-3, as identified on the submitted final development plan.
5. That building heights shall be allowed as indicated on the submitted elevations (Sheet A4.0).
6. That the elevations of the building match those identified on Sheet A4.0, with the following exceptions:
  - a. That the "spaceship" embellishment be allowed, subject to a location approved by the Fire Department, Building and Safety Division, and Planning and Zoning Department. The location shall be approved prior to submittal of a building permit application packet for the proposed expansion.

- b. Metal panels designed to resemble stone veneer shall be “wrapped around” the southeast corner of the building and attached to the northernmost end of the east side of the building (i.e., Section F).
  - c. The expansion shall be painted to match the existing A-1 and A-2 Buildings.
7. The building permit application packet shall include, but not be limited to, a photometric lighting plan prepared and stamped by a Nevada-licensed professional qualified to prepare such drawings.
8. That exterior down spouts be allowed, as long as every effort is made to incorporate the down spouts into the design of the building and minimize the visual impact.
9. The floor areas of the existing and proposed building floor areas were specified incorrectly. Plans shall specify actual floor area to check for maximum building floor area per IBC 2006.
10. Code analysis needs to be provided and verify fire separation wall rating between existing and proposed building.
11. The design of the Fire Protection systems shall be sealed by a third party Fire Protection Engineer licensed in the State of Nevada.
12. The applicant shall submit a traffic study update for review and approval.
13. The drive access on the south side of the property will not be allowed unless it is a shared access driveway with the property to the south. If a shared access is provided, the driveway shall be constructed per *Clark County Area Uniform Standard Drawing* number 222A.
14. 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.
15. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
16. 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.

17. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
18. 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.
19. 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.
20. All off-site improvements must be completed prior to final inspection of the first building.
21. A revocable encroachment permit for landscaping within the public right of way is required.
22. The property owner is required to sign a restrictive covenant for utilities.
23. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.

**Joe Kante, Bigelow Aerospace, 1899 West Brooks Avenue, North Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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 Carvalho

NAYS: None

ABSTAIN: None

19. **SPR-17-08 (35031) ELLIS FOURS. AN APPLICATION SUBMITTED BY ELLIS AVE FOURPLEXES LLC ON BEHALF OF DAVID FEDEL, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW WAIVERS FROM THE MULTI-FAMILY DESIGN STANDARDS TO ALLOW VEHICULAR ACCESS TO A LOCAL STREET SERVICING SINGLE-FAMILY RESIDENCE; TO ALLOW A FIVE (5) FOOT SIDE YARD BUFFER WHERE 20 FEET IS REQUIRED; AND TO ALLOW A TWO-STORY MULTI-FAMILY STRUCTURE TO BE FIVE (5) FEET FROM A DEVELOPED SINGLE-FAMILY PROPERTY LINE WHERE 50 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT 2140 ELLIS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-24-210-234.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to develop fourplexes and the site. The existing site has an existing single-family home and an additional dwelling unit. The applicant intends to demolish the units and build two fourplexes, each being two story, which was in compliance with the zoning ordinance. The site would be considered in-fill; therefore, the applicant has requested a few waivers, one to allow a waiver to reduced the buffer on the perimeter from 20 feet to 5 feet at the north and south property lines and 15 feet along the east property line. There was also a waiver request to allow access from a residential street onto the site and also a waiver to allow a building higher than single-story within 50 feet of a single-family home. The applicant was in general conformance with the Design Standards for both single and multi-family. The parking requirements have been met and the landscaping requirements along the street edge have been met. Staff was in support of the waivers, as the parcel was in-fill and the developer has worked quite vigorously with Staff to come into compliance with the Design Standards. The lot was only served by a residential street; therefore, a waiver of that standard was necessary to develop the property with multi-family units. Staff felt the waiver for the buffer and separation from a single-story home should be granted based upon the size of the lot and the in-fill nature of the parcel. Staff was recommending that SPR-17-08 be approved subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development meet the Multi-Family Development Standards with the following exceptions:
  - a. The twenty (20) foot buffer yards will not be required along the eastern, southern or northern property lines, as depicted on the submitted site plan [17.24.195(C)(3)].

- b. The new two-story structures are not required to be a minimum 50 feet from adjacent single-family residential property lines [17.24.195(C)(2)].
  - c. The proposed four-plexes may be served by a local 60-foot street (Ellis Street) [17.24.195(B)(9)(b)].
3. The exterior design of the building, as shown on the submitted elevations, shall be enhanced to include a pop-out around the screened gable vent.
4. The demolition of all existing structures shall occur prior to commencement of any new construction.
5. The carports and trash enclosures, including the roofs, shall be constructed using materials matching the four-plexes.
6. Carports are required over the ADA-accessible parking stalls.
7. A berm or decorative wall, measuring three feet in height above the finished grade of the parking stalls, is required between the parking stalls and Ellis Street, and must be identified on the construction documents.
8. The development of this site shall substantially comply with the submitted site plan, including but not limited to, the identified building setbacks.
9. Due to the size of the site, this development may be eligible for a drainage study waiver. Please complete and submit waiver application to Public Works Development & Flood Control Division (Mark Escobedo @ 633-1912 or Kent Chang @ 633-2771). Applications may be found on the City of North Las Vegas website (<http://www.cityofnorthlasvegas.com/About/Forms.shtm>)
10. 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.
11. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
12. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and Title 16 of the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.

13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. 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.
16. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
17. 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.
18. 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.
19. All off-site improvements must be completed prior to final inspection of the first building.
20. There shall be clear and distinct address signage on the buildings.

The applicant was not present for comment.

Mr. Eastman asked that Condition No. 11 be deleted.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 11

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

**Item No. 22 was heard next.**

**OLD BUSINESS**

20. **SPR-10-08 (34608) REVERE NORTH APARTMENTS. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN O-L/DA, OPEN LAND/DEVELOPMENT AGREEMENT TO ALLOW A 660-UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF DEER SPRINGS WAY AND REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-21-701-003. (CONTINUED APRIL 9, 2008)**

ACTION: WITHDRAWN



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

It was requested by the applicant to continue UN-33-08 to July 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 JULY 9, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 17 was heard next.**

**22. 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. (CONTINUED MARCH 26 AND APRIL 23, 2008)**

Item Nos.22, 23, and 24 were presented and heard together.

The application was presented by Paul Yadro, Planner who explained the subject property was 73.15 acres and was located on the northeast corner of Sloan Lane and Centennial Parkway. Denial was previously recommended; however, all issues with the Fire Department have been addressed. At the March 26, 2008 hearing, the Nevada Army National Guard had presented a letter and read it into the record regarding their opposition. On April 16, 2008 Staff facilitated a meeting with both the National Guard and the applicant to discuss the National Guard's concerns; however, nothing was brought to a consensus. There was no agreement in terms of mitigation measures; therefore, nothing has been resolved and Staff assumes the Nevada Army National Guard remains in opposition. A second meeting did take place but Staff was not present. Staff forwarded a correspondence to the Nevada Army National Guard requesting written correspondence indicating their current position, if there was indeed an agreement with the developer in terms of mitigation measures so that Staff could draft some type of conditions of approval that would implement any type of mitigation measures. As it stands, for GED -01-08, Staff recommends approval. UN-26-08, which was the use permit for the casino hotel, which was a special use in a C-2 zoning district, Staff was recommending approval subject to condition listed in the Staff Report. For Agenda Item No. 24, UN-27-08, Staff was recommending approval with conditions as listed in the Staff Report, which is a use permit to allow a maximum height of 90 feet where only 60 feet was allowed. Staff disclosed any changes to the conditions of Item Nos. 26 and 27, regarding the Fire Department's specific conditions of approval for the two use permits, may change Staff's recommendation for the GED.

**Lora Dreja, Law Offices of Jay Brown, 520 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant who explained the application was first presented on March 26, 2008, which satisfied the NRS requirements by stating they exceeded distances from residential neighborhoods from schools and also received a letter from Nellis Air Force Base thanking them for their cooperation in reducing the height from 200 feet, which was originally proposed, to 90 feet. The engineer on the project presented the infrastructure report and also the architect was present. Both attended the meeting hosted by the City in April 2008. She read a portion of the summary presented to them by Paul Yadro, Planner. They had discussions regarding concerns of the National Guard including security

access, noise and dust and also had a subsequent meeting in which they would like to meet with the Guard to mitigate their concerns. They were willing to work with the National Guard in the future and hopefully come up with some suggestions from them as to what would make them feel protected and their privacy guarded. She asked the Commission to follow Staff's recommendation for approval.

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

- **Nicholas D. Rosario, Nellis Air Force Base** appeared on behalf of Colonel Mike Bartley, Installation Commander at Nellis Air Force Base, to offer some clarification. On March 4, 2008, Colonel Bartley, at the request of a letter submitted by the applicant to Nellis Air Force Base, signed out a letter of non-objection with regards to the development known as the Miller Hotel & Casino. After discussions with members of the Nevada National Guard, they believe it was important to clarify the intent of Colonel Bartley's letter. While Nellis Air Force Base had no objection to the development as designed, at 90 feet in height, as it did not currently impact their mission, they do not speak for other military installations, such as the Nevada National Guard; thus, they would like to ensure that Colonel Barkley's letter was not construed as anything other than the opinion of Nellis Air Force Base. The Nevada Nation Guard was an expert in their military mission; therefore, they ask that any adverse mission impact be independently considered.
- **Lieutenant Colonel Enrique De La Paz, 2460 Fairview Drive, Carson City, NV 89701** appeared on behalf of the Nevada National Guard explaining they had the opportunity to meet with the applicant two to three weeks ago and appreciated their time and desire to address the issues. It was difficult to say their issues could be resolved. The Nevada National Guard's position was straight forward. They were 100 percent opposed to any type of arrangements to have any form of casino or hotel tower adjacent to their property as it was not compatible. Any and all special use permits that would change the original zoning of the property would adversely and most importantly negatively affect the training and operations of the National Guard. It was encroachment into their facilities and impacts would negatively affect the training of their soldiers. They had changed their training and were not dealing with the same type of threats as in the past. Having the ability to overlook their facilities, where they were training was taking place, the enemy was being given a clear picture of their tactics, techniques and procedure (TTP's). The enemy was interested in how they fight, how they maneuver and the type of equipment used and the status of the readiness of the units. He asked the Commission to reconsider and deny the application. He felt it was a shame that he had to come to the Commission to ask for permission to train his soldiers so that the rights of people could be defended to make more money and asked when people were going to do

their duty and support the National Guard. He explained they were not training for floods, fires, or natural events and pointed out that since 2001, there have been soldiers with automatic weapons at the airport to protect the public, as there was a threat of terrorism. He invited the Commission to spend a week in his office so they could see what the men and women of the National Guard do on a daily basis. He introduced Colonel Terence Sullivan, Director of Logistics who was an aviator and could back-up what was said. Mr. De La Paz asked for the Commission's support.

- **Clayton Chappell, 2460 Fairview Drive, Carson City, NV 89701** expressed concerns of their anti-terrorism force protection, the surveillance and observation of any training and movement at their facilities. They also have safety concerns, not only for National Guardsmen, but also for the public and interaction or potential interaction between nighttime operations and training that occurred at the National Guard facility. They also had concerns with increased traffic, particularly adjacent to their property. The training impact was at night as well as in the daytime. It was impractical to be able to operate at night, with the amount of light that would be generated from casinos. He pointed out in the draft master plan they showed what the zoning was, which was C-2 or resort casino; but, in no way, does that say they are accepting of that zoning. When the National Guard first located to the area, the property was zoned light industrial, which was more compatible with the National Guard activities. In his position he was responsible for protecting the lands they have or what small opportunities they have for training.

Commissioner Angelo Carvalho appreciated the comments of the National Guard and their service, time and dedication to their country. From his personal experience as a soldier, the enemy was three steps ahead. Even with all of the training, when soldiers get to the battlefield, the enemy was already ahead. The second a way was found to stop the enemy, he improvised. He understood the security of the Nation, but did not feel the casino would be a hindrance to the training of the Guard, because there were other facilities in the area. There was currently training in Iraq on a lot of the tactics. He was in support of the casino and felt the applicant would be willing to work with the National Guard on their design.

Commissioner Jo Cato thanked Commissioner Carvalho for his service to the Country and the presentation given by Colonel De La Paz was very compelling. She asked if there was anything planned in the area other than the casino. She had heard a rumor there would be a Department of Motor Vehicles in that area. Mr. Rosario of Nellis Air Force Based said they had been contacted regarding an extended stay hotel that would abut the property.

Chairman Steve Brown asked what types of business could go in C-2 areas, that would not have to come before the Commission. Marc Jordan, Planning Manager responded C-2 was General Commercial and you could have almost any type of retail use as a principally permitted use (grocery stores, department stores, restaurants) and as far as an extended

stay hotel, it would require approval of a special use permit that would be reviewed by the Commission and forwarded to City Council. There could not be residential or a hotel without a special use permit.

Commissioner Dean Leavitt indicated whatever action was taken, the application would go forward to City Council for final consideration. He appreciated Sargent Carvalho's comments regarding his experience and sharing his knowledge. He was also a former National Guard and understood everything that was said and felt a decision should be made and the application forwarded to City Council for their consideration.

Commissioner Jay Aston asked if the National Guard had a site plan and if there was a hospital planned for the site. Colonel Chappell of the National Guard responded there was. They were working with the State for a potential hospital, but it was the third choice and they learned the first choice was being used. Commissioner Aston asked if the hospital were to be on their site, how many stories it would be. Colonel Chappell responded they had not discussed the details of the design. They were looking at anything that was compatible to try to create a buffer and the hospital was not a top priority but was on the master plan list. Commissioner Aston was curious if the hospital was multi-story, that it could have created the same concerns they had with a casino and hotel as someone could also breach security in a multi-story hospital. Colonel Chappell explained it was not a public hospital, it was a health and human services type hospital and was not going to be multi-story, but it was pulled from the master plan.

Chairman Brown asked what was planned for the site. Major Chappell responded currently on the site there was a Department of Motor Vehicle Office and were working with Nevada Highway Patrol (NHP), and a Park and Ride with Clark County. NHP surveyed, but because of budget constraints, had pulled back the design but were in the process of surveying the area for a regional training for their services and they were also looking at their own regional training institute. There was also a Nevada Department of Transportation facility. In the northern section they were looking at an Emergency Vehicle Operations Center (EVOC) and North Las Vegas Fire and Police have been interested in putting in a facilities. There was currently a total of 11 entities looking at putting in facilities on approximately 220 acres in the northern section. There was also a combat engineer course, open training and combat training. For the National Guard, this was the largest owned training facility. There was a readiness center and they were looking to add two to three new readiness centers and maintenance shops that currently existed and expanding the maintenance shops.

Chairman Brown explained even though the National Guard was adamantly opposed to a casino, a commercial establishment could go in without having to get permission. Major Chappell understood and they had concerns about all of those uses. When they purchased the property, the surrounding properties were light industrial.

Commissioner Dilip Trivedi asked Staff when the property was rezoned from industrial to C-2 and at that time, if there was any consideration given to it being in the neighborhood of the National Guard. Mr. Jordan responded the property was rezoned June 15, 2005 to the current zoning and as far as whether there was consideration given to the National Guard, he did not know the answer; it would have to be researched.

**John Bear, 3463 Heatherford Avenue, Las Vegas, NV** owner of 42 acres next to the proposed site indicated he owned his property since 1980 and applied for C-2 zoning in 2005 and it was done with the support of the National Guard. The administration has changed since that time and the zoning was changed when the City revised the Master Plan creating a resort area. They went together with Mr. Miller and then the Focus Group came on board. The property had been in escrow for an arena with a hotel/casino on 120 acres and that project was still in the works and they were working diligently on that project. The proposed hotels and casino would employ a lot of people. He suggested a bridge be put across the railroad tracks, which would solve much of the problem and thought it might be a good time to move the facility. The rezoning was approved in 2005 because there was 100 percent approval from the National Guard.

Commissioner Trivedi was not opposed to a casino, but did sympathize with the National Guard and understood their concern with the height of the buildings and people being able to overlook their property. He was in support of a casino, but would like to see a one or two-story horizontal development. The Valley was built on gaming and he did not feel a casino could be opposed.

Chairman Brown asked Staff the zoning east of the National Guard property. Mr. Jordan responded it was zoned M-2. There would be a combination of M-1 and M-2. There was also a PUD that was approved in 1998 with retail and a casino. Even though it was approved for a casino, it was around the time SB-208 was approved, so even though the PUD was approved for a casino, they do not have a Gaming Enterprise District on the property; so, technically they cannot put in a casino without establishing a GED.

Commissioner Trivedi asked if 40 feet was the maximum height allowed in M-1 and M-2. It was stated 45 feet was the maximum height allowed. Commissioner Trivedi clarified the only area of concern was where the casino sites were located. He was in favor of the application with height restrictions.

Chairman Brown asked if Item No. 24 was not approved, the fire station would be lost. Mike Steele of the Fire Department explained the condition was also listed in Item No. 23.

Commissioner Harry Shull stated there was another casino in the approval process and the same situation would exist with the National Guard. He addressed the possibility of building a bridge over the railroad tracks and asked if that was a condition that could be put

on the casinos who might want to come in, so the National Guard could get their more sensitive training away from the development along the freeway. He realized the cost of building a bridge was expensive; but, if it enabled two or three casinos to come in, it might be a small price to pay. He asked Staff if the condition was viable and asked the National Guard if that would help them. Mr. Jordan responded the problem was, you would be placing a condition on the application that would require the applicant to go over to some other property and build something, and was not a condition Staff would normally place on an application.

Colonel De La Paz appreciated the concern and explained they wanted to have as much contiguous land as possible; but the best way to use the property for them, was not just based on the opinion of two or three officers, but was based on the opinion of paid consultants.

Commissioner Angelo Carvalho asked how often the National Guard physically performed training. Colonel De La Paz responded there was training almost every weekend and the closer soldiers came to deployment time, the more intense and larger amount of training was received. Two years prior to deployment, soldiers must train a minimum of 21 consecutive days of annual training and one weekend per month has increased by 10 to 12 percent. Due to current restrictions in training time and due to restrictions on rotations of the troops and because the President and the Secretary of State have decided that no troop will be out of the country more than 12 months, which has significantly increased training requirements. Commissioner Carvalho understands the principle of the training prior to deployment. He understood the concerns of the National Guard, that they did not want their training overlooked; but, where the property was situated, there were already tall buildings to the south on Range Road or to the north, there was a car lot with tall buildings. Colonel De La Paz understood you could not fool proof everything but they did not want to make it easier for people to view their site. Commissioner Carvalho suggested the casino could be situated so the windows faced the other direction and asked Colonel De La Paz if he had spoken with the applicant regarding that. Colonel De La Paz responded they had, but the architect mentioned he could try to engineer something like that and it would help; however, it would be better if the casino were not allowed.

Commissioner Dilip Trivedi indicated the applicant did not have a building schedule and were just claiming a stake on the property and were looking for the right to build a casino and hotel and felt if in an M-1 or M-2 zoned district a 45 foot building was allowed, then a 45 foot tall hotel should be allowed.

Commissioner Cato suggested following Commissioner Leavitt's recommendation and felt an informed recommendation could be made and the application be forwarded to City Council for final consideration.

Chairman Brown asked Staff if Item Nos. 23 and 24 would be forwarded to City Council. Staff responded they would not.

Ms. Dreja stated they were willing to work with the National Guard in terms of securing the site. In terms of the enemy renting a hotel room and overlooking their operations, the architect had many ideas on how to impede the view from the hotel/casino to the National Guard site and for that reason they were hoping to follow the lead of Centennial Crossings' condition of approval, which was "design a building such that guests of the hotel do not have a view of the National Guard site" to help with their security and that was to come into effect at the point of the final development plan.

**Winston Henderson, Henderson Architects, 1555 Flamingo Road, Las Vegas, NV** indicated they would put in a five foot high earthen berm with intense landscaping on all of the perimeter area that abutted the National Guard property. They would also orient the rooms to face away from the National Guard property and place the parking garage between the hotel tower and the National Guard property and would also increase the set-back from the required 20 feet to 60 feet. If the application was approved, the applicant would continue to work with the National Guard on possibly getting their input on configuration both on site and, if they were willing to explore land swaps, as discussed, for orientation of the site.

Mr. Jordan was concerned regarding discussion by the applicant's representatives about redesigning the site so there would not be windows facing any of the National Guard site and felt there was designing at the podium and Staff had no information to view and the Commission was considering the site plan for the use permit. The heights of the buildings were being considered, so if there was a desire to consider any of the changes, Staff would recommend that the use permits be continued so the applicant could redesign the site and present them to the Commission and Staff so an appropriate recommendation could be made.

Mr. Henderson explained the site plan presented reflected the parking garages between the hotel and the adjacent property, the increased set-back along the rear of the site, and the intense landscape buffering but did not show a 90 foot tall building.

Chairman Brown stated since the Public Hearing had not been closed, he would accept comments from the following participant:

- **Robert Browning, 6504 Amanda Michelle Lane, North Las Vegas NV** felt it was ingenuous to say the area was going to be used for maneuvers and it was needed; but, the issues being discussed were national interests. He had concerns about North Las Vegas because he was paying Federal and State dollars to support them and they wanted to take away tax revenue that should come into the City to reduce



the tax burden on the citizens. He felt this application should be considered the same as all others and poor judgement was used when the property was purchased by the National Guard.

Chairman Brown closed the Public Hearing.

Commissioner Harry Shull asked how many acres were involved with the casino development. It was stated it was a 73 acre site. Commissioner Shull asked how many rooms were designed for the 90 foot tower. Ms. Dreja responded there was approximately 1,000 rooms. Commissioner Shull asked Mr. Henderson if 1,000 rooms could be built keeping the height at two story. Mr. Henderson stated it got prohibitive with the parking and they also have parking garages. As the building starts to spread out with a low-rise, it ate up area that would normally go to the casino itself and as you looked around town, you could see a prototype of what was financially feasible. There was a reason most of the neighborhood and outlying casinos looked the way they do, because it basically became the financial footprint and was a combination that worked.

ACTION: APPROVED, FORWARDED TO CITY COUNCIL FOR FINAL  
CONSIDERATION

MOTION: Commissioner Carvalho

SECOND: Commissioner Shull

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

NAYS: Vice-Chairman Trivedi

ABSTAIN: None

23. **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. (CONTINUED MARCH 26 AND APRIL 23, 2008)**

Item Nos. 22, 23 and 24 were presented and heard together.

The following presentation and Public Hearing was carried forward from Item No. 22:

*The application was presented by Paul Yadro, Planner who explained the subject property was 73.15 acres and was located on the northeast corner of Sloan Lane and Centennial Parkway. Denial was previously recommended; however, all issues with the Fire Department have been addressed. At the March 26, 2008 hearing, the Nevada Army National Guard had presented a letter and read it into the record regarding their opposition. On April 16, 2008 Staff facilitated a meeting with both the National Guard and the applicant to discuss the National Guard's concerns; however, nothing was brought to a consensus. There was no agreement in terms of mitigation measures; therefore, nothing has been resolved and Staff assumes the Nevada Army National Guard remains in opposition. A second meeting did take place but Staff was not present. Staff forwarded a correspondence to the Nevada Army National Guard requesting written correspondence indicating their current position, if there was indeed an agreement with the developer in terms of mitigation measures so that Staff could draft some type of conditions of approval that would implement any type of mitigation measures. As it stands, for GED -01-08, Staff recommends approval. UN-26-08, which was the use permit for the casino hotel, which was a special use in a C-2 zoning district, Staff was recommending approval subject to condition listed in the Staff Report. For Agenda Item No. 24, UN-27-08, Staff was recommending approval with conditions as listed in the Staff Report, which is a use permit to allow a maximum height of 90 feet where only 60 feet was allowed. Staff disclosed any changes to the conditions of Item Nos. 26 and 27, regarding the Fire Department's specific conditions of approval for the two use permits, may change Staff's recommendation for the GED.*

**Lora Dreja, Law Offices of Jay Brown, 520 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant who explained the application was first presented on March 26, 2008, which satisfied the NRS requirements by stating they exceeded distances from residential neighborhoods from schools and also received a letter from Nellis Air Force Base thanking them for their cooperation in reducing the height from 200 feet, which was

*originally proposed, to 90 feet. The engineer on the project presented the infrastructure report and also the architect was present. Both attended the meeting hosted by the City in April 2008. She read a portion of the summary presented to them by Paul Yadro, Planner. They had discussions regarding concerns of the National Guard including security access, noise and dust and also had a subsequent meeting in which they would like to meet with the Guard to mitigate their concerns. They were willing to work with the National Guard in the future and hopefully come up with some suggestions from them as to what would make them feel protected and their privacy guarded. She asked the Commission to follow Staff's recommendation for approval.*

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

- ***Nicholas D. Rosario, Nellis Air Force Base*** appeared on behalf of Colonel Mike Bartley, Installation Commander at Nellis Air Force Base, to offer some clarification. On March 4, 2008, Colonel Bartley, at the request of a letter submitted by the applicant to Nellis Air Force Base, signed out a letter of non-objection with regards to the development known as the Miller Hotel & Casino. After discussions with members of the Nevada National Guard, they believe it was important to clarify the intent of Colonel Bartley's letter. While Nellis Air Force Base had no objection to the development as designed, at 90 feet in height, as it did not currently impact their mission, they do not speak for other military installations, such as the Nevada National Guard; thus, they would like to ensure that Colonel Barkley's letter was not construed as anything other than the opinion of Nellis Air Force Base. The Nevada National Guard was an expert in their military mission; therefore, they ask that any adverse mission impact be independently considered.
- ***Lieutenant Colonel Enrique De La Paz, 2460 Fairview Drive, Carson City, NV 89701*** appeared on behalf of the Nevada National Guard explaining they had the opportunity to meet with the applicant two to three weeks ago and appreciated their time and desire to address the issues. It was difficult to say their issues could be resolved. The Nevada National Guard's position was straight forward. They were 100 percent opposed to any type of arrangements to have any form of casino or hotel tower adjacent to their property as it was not compatible. Any and all special use permits that would change the original zoning of the property would adversely and most importantly negatively affect the training and operations of the National Guard. It was encroachment into their facilities and impacts would negatively affect the training of their soldiers. They had changed their training and were not dealing with the same type of threats as in the past. Having the ability to overlook their facilities, where they were training was taking place, the enemy was being given a clear picture of their tactics, techniques and procedure (TTP's). The enemy was interested in how they fight, how they maneuver and the type of equipment used and the status of the readiness of the units. He asked the Commission to reconsider and deny the application. He felt it was a shame that he had to come to the Commission

*to ask for permission to train his soldiers so that the rights of people could be defended to make more money and asked when people were going to do their duty and support the National Guard. He explained they were not training for floods, fires, or natural events and pointed out that since 2001, there have been soldiers with automatic weapons at the airport to protect the public, as there was a threat of terrorism. He invited the Commission to spend a week in his office so they could see what the men and women of the National Guard do on a daily basis. He introduced Colonel Terence Sullivan, Director of Logistics who was an aviator and could back-up what was said. Mr. De La Paz asked for the Commission's support.*

- ***Clayton Chappell, 2460 Fairview Drive, Carson City, NV 89701*** expressed concerns of their anti-terrorism force protection, the surveillance and observation of any training and movement at their facilities. They also have safety concerns, not only for National Guardsmen, but also for the public and interaction or potential interaction between nighttime operations and training that occurred at the National Guard facility. They also had concerns with increased traffic, particularly adjacent to their property. The training impact was at night as well as in the daytime. It was impractical to be able to operate at night, with the amount of light that would be generated from casinos. He pointed out in the draft master plan they showed what the zoning was, which was C-2 or resort casino; but, in no way, does that say they are accepting of that zoning. When the National Guard first located to the area, the property was zoned light industrial, which was more compatible with the National Guard activities. In his position he was responsible for protecting the lands they have or what small opportunities they have for training.

*Commissioner Angelo Carvalho appreciated the comments of the National Guard and their service, time and dedication to their country. From his personal experience as a soldier, the enemy was three steps ahead. Even with all of the training, when soldiers get to the battlefield, the enemy was already ahead. The second a way was found to stop the enemy, he improvised. He understood the security of the Nation, but did not feel the casino would be a hindrance to the training of the Guard, because there were other facilities in the area. There was currently training in Iraq on a lot of the tactics. He was in support of the casino and felt the applicant would be willing to work with the National Guard on their design.*

*Commissioner Jo Cato thanked Commissioner Carvalho for his service to the Country and the presentation given by Colonel De La Paz was very compelling. She asked if there was anything planned in the area other than the casino. She had heard a rumor there would be a Department of Motor Vehicles in that area. Mr. Rosario of Nellis Air Force Based said they had been contacted regarding an extended stay hotel that would abut the property.*

*Chairman Steve Brown asked what types of business could go in C-2 areas, that would not have to come before the Commission. Marc Jordan, Planning Manager responded C-2 was General Commercial and you could have almost any type of retail use as a principally*

*permitted use (grocery stores, department stores, restaurants) and as far as an extended stay hotel, it would require approval of a special use permit that would be reviewed by the Commission and forwarded to City Council. There could not be residential or a hotel without a special use permit.*

*Commissioner Dean Leavitt indicated whatever action was taken, the application would go forward to City Council for final consideration. He appreciated Sargent Carvalho's comments regarding his experience and sharing his knowledge. He was also a former National Guard and understood everything that was said and felt a decision should be made and the application forwarded to City Council for their consideration.*

*Commissioner Jay Aston asked if the National Guard had a site plan and if there was a hospital planned for the site. Colonel Chappell of the National Guard responded there was. They were working with the State for a potential hospital, but it was the third choice and they learned the first choice was being used. Commissioner Aston asked if the hospital were to be on their site, how many stories it would be. Colonel Chappell responded they had not discussed the details of the design. They were looking at anything that was compatible to try to create a buffer and the hospital was not a top priority but was on the master plan list. Commissioner Aston was curious if the hospital was multi-story, that it could have created the same concerns they had with a casino and hotel as someone could also breach security in a multi-story hospital. Colonel Chappell explained it was not a public hospital, it was a health and human services type hospital and was not going to be multi-story, but it was pulled from the master plan.*

*Chairman Brown asked what was planned for the site. Major Chappell responded currently on the site there was a Department of Motor Vehicle Office and were working with Nevada Highway Patrol (NHP), and a Park and Ride with Clark County. NHP surveyed, but because of budget constraints, had pulled back the design but were in the process of surveying the area for a regional training for their services and they were also looking at their own regional training institute. There was also a Nevada Department of Transportation facility. In the northern section they were looking at an Emergency Vehicle Operations Center (EVOC) and North Las Vegas Fire and Police have been interested in putting in a facilities. There was currently a total of 11 entities looking at putting in facilities on approximately 220 acres in the northern section. There was also a combat engineer course, open training and combat training. For the National Guard, this was the largest owned training facility. There was a readiness center and they were looking to add two to three new readiness centers and maintenance shops that currently existed and expanding the maintenance shops.*

*Chairman Brown explained even though the National Guard was adamantly opposed to a casino, a commercial establishment could go in without having to get permission. Major Chappell understood and they had concerns about all of those uses. When they purchased the property, the surrounding properties were light industrial.*

*Commissioner Dilip Trivedi asked Staff when the property was rezoned from industrial to C-2 and at that time, if there was any consideration given to it being in the neighborhood of the National Guard. Mr. Jordan responded the property was rezoned June 15, 2005 to the current zoning and as far as whether there was consideration given to the National Guard, he did not know the answer; it would have to be researched.*

***John Bear, 3463 Heatherford Avenue, Las Vegas, NV** owner of 42 acres next to the proposed site indicated he owned his property since 1980 and applied for C-2 zoning in 2005 and it was done with the support of the National Guard. The administration has changed since that time and the zoning was changed when the City revised the Master Plan creating a resort area. They went together with Mr. Miller and then the Focus Group came on board. The property had been in escrow for an arena with a hotel/casino on 120 acres and that project was still in the works and they were working diligently on that project. The proposed hotels and casino would employ a lot of people. He suggested a bridge be put across the railroad tracks, which would solve much of the problem and thought it might be a good time to move the facility. The rezoning was approved in 2005 because there was 100 percent approval from the National Guard.*

*Commissioner Trivedi was not opposed to a casino, but did sympathize with the National Guard and understood their concern with the height of the buildings and people being able to overlook their property. He was in support of a casino, but would like to see a one or two-story horizontal development. The Valley was built on gaming and he did not feel a casino could be opposed.*

*Chairman Brown asked Staff the zoning east of the National Guard property. Mr. Jordan responded it was zoned M-2. There would be a combination of M-1 and M-2. There was also a PUD that was approved in 1998 with retail and a casino. Even though it was approved for a casino, it was around the time SB-208 was approved, so even though the PUD was approved for a casino, they do not have a Gaming Enterprise District on the property; so, technically they cannot put in a casino without establishing a GED.*

*Commissioner Trivedi asked if 40 feet was the maximum height allowed in M-1 and M-2. It was stated 45 feet was the maximum height allowed. Commissioner Trivedi clarified the only area of concern was where the casino sites were located. He was in favor of the application with height restrictions.*

*Chairman Brown asked if Item No. 24 was not approved, the fire station would be lost. Mike Steele of the Fire Department explained the condition was also listed in Item No. 23.*

*Commissioner Harry Shull stated there was another casino in the approval process and the same situation would exist with the National Guard. He addressed the possibility of building a bridge over the railroad tracks and asked if that was a condition that could be put on the casinos who might want to come in, so the National Guard could get their more*

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*Chairman Brown closed the Public Hearing.*

*Commissioner Harry Shull asked how many acres were involved with the casino development. It was stated it was a 73 acre site. Commissioner Shull asked how many rooms were designed for the 90 foot tower. Ms. Dreja responded there was approximately 1,000 rooms. Commissioner Shull asked Mr. Henderson if 1,000 rooms could be built keeping the height at two story. Mr. Henderson stated it got prohibitive with the parking and they also have parking garages. As the building starts to spread out with a low-rise, it ate up area that would normally go to the casino itself and as you looked around town, you could see a prototype of what was financially feasible. There was a reason most of the neighborhood and outlying casinos looked the way they do, because it basically became the financial footprint and was a combination that worked.*

Staff recommended the following conditions for UN-26-08:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-26-08 is site specific and non transferrable.
3. That UN-26-08 shall be null and void if GED-01-08 is not approved by City Council.
4. Design elements shall be incorporated into the parking structures that will match the overall architectural theme/style of the casino/hotel(s), provide visual interest, and reduce their overall visual length.
5. The design of the structures shall take into consideration future wireless communications facilities.
6. Landscaped islands shall be installed between the parking rows of every other double row of parking, and at the ends of every row.
7. Six (6) foot wide landscaped islands shall be required within each parking row for every 15 parking spaces contained within a row.
8. Street trees shall be planted along Centennial Parkway at intervals of 30 feet for trees that reach a mature height greater than 15 feet or at intervals of 10 feet for trees that reach a mature height of up to 15 feet or less.
9. The sidewalk along Centennial Parkway shall be meandering.

10. Parking areas abutting Centennial Parkway shall be screened by decorative walls or landscaped berms with a minimum height of 3 feet above the finished grade at the rear of the setback area.
11. Refuse collection areas and dumpsters shall be enclosed by masonry walls finished in the same manner as the surrounding primary structures. All such enclosures shall have solid metal gates and roofs.
12. Measures to achieve a noise level reduction, outdoor to indoor, of 25 decibels must be incorporated into the design and construction of the casino/hotel.
13. Approval of a traffic study is required prior to submittal of the civil improvement plans.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. The size and location of any drainage facilities and/or easements shown are contingent upon review and approval of a Technical Drainage Study.
16. Nevada Department of Transportation concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
17. 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.
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: a. 100' on Centennial Parkway
19. The developer is required to construct a raised median within Centennial Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb.
20. Median landscape and irrigation plans must be submitted to the Parks Department for the landscaping required within the Centennial Parkway median. The developer's landscape architect should contact John Jones, Landscape Architect with the Parks and recreation Department at 633-1611, for landscaping requirements prior to designing the landscape plan(s) for the median. Final approval of the civil improvement plans will not be acquired prior to Parks approval of the landscaping plans.

21. The property owner is required to acquire roadway easements or dedications to provide 32' of paved access from this site to two existing public paved roads.
22. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
23. 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.
24. 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.
25. The property owner is required to grant a roadway easement for commercial driveway(s).
26. 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. Any new or relocated distribution lines, shall be placed underground.
27. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Centennial Parkway.
28. 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.
29. The property owner is required to sign a restrictive covenant for utilities.
30. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
31. A revocable encroachment permit for landscaping within the public right of way is required.
32. All off-site improvements must be completed prior to final inspection of the first building.

33. A turn-key fire station, including associated vehicles, equipment, and all City required off-site improvements shall be completed to the satisfaction of the City and at the expense of the developer prior to Certificate of Occupancy for any casino on the proposed site. The station shall be built to the North Las Vegas Fire Department Station Design Standard, or other standard as approved by the Fire Chief. The station shall be furnished with a fire engine, a fire truck, and a rescue unit per the specifications of the North Las Vegas Fire Department. The land, building, and equipment for the station shall be deeded to the City of North Las Vegas. The site for the station shall be approved by the Fire Chief.
34. The sanitary sewer for the subject property shall be routed south on Sloan Lane and connect into the existing Clark County sanitary sewer, unless otherwise directed by the Director of Utilities.
35. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services Rules and Regulations.
36. Internal mapping of the development shall be submitted at time of building permit review.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

**MOTION:** Commissioner Carvalho

**SECOND:** Commissioner Shull

**AYES:** Chairman Brown, Commissioners Leavitt, Aston, Shull, Cato, and Carvalho

**NAYS:** Vice-Chairman Trivedi

**ABSTAIN:** None

24. **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. (CONTINUED MARCH 26 AND APRIL 23, 2008)**

Item Nos. 22, 23 and 24 were presented and heard together.

The following presentation and Public Hearing was carried forward from Item No. 22:

*The application was presented by Paul Yadro, Planner who explained the subject property was 73.15 acres and was located on the northeast corner of Sloan Lane and Centennial Parkway. Denial was previously recommended; however, all issues with the Fire Department have been addressed. At the March 26, 2008 hearing, the Nevada Army National Guard had presented a letter and read it into the record regarding their opposition. On April 16, 2008 Staff facilitated a meeting with both the National Guard and the applicant to discuss the National Guard's concerns; however, nothing was brought to a consensus. There was no agreement in terms of mitigation measures; therefore, nothing has been resolved and Staff assumes the Nevada Army National Guard remains in opposition. A second meeting did take place but Staff was not present. Staff forwarded a correspondence to the Nevada Army National Guard requesting written correspondence indicating their current position, if there was indeed an agreement with the developer in terms of mitigation measures so that Staff could draft some type of conditions of approval that would implement any type of mitigation measures. As it stands, for GED -01-08, Staff recommends approval. UN-26-08, which was the use permit for the casino hotel, which was a special use in a C-2 zoning district, Staff was recommending approval subject to condition listed in the Staff Report. For Agenda Item No. 24, UN-27-08, Staff was recommending approval with conditions as listed in the Staff Report, which is a use permit to allow a maximum height of 90 feet where only 60 feet was allowed. Staff disclosed any changes to the conditions of Item Nos. 26 and 27, regarding the Fire Department's specific conditions of approval for the two use permits, may change Staff's recommendation for the GED.*

***Lora Dreja, Law Offices of Jay Brown, 520 South Fourth Street, Las Vegas, NV 89101*** appeared on behalf of the applicant who explained the application was first presented on March 26, 2008, which satisfied the NRS requirements by stating they exceeded distances from residential neighborhoods from schools and also received a letter from Nellis Air Force Base thanking them for their cooperation in reducing the height from 200 feet, which was

*originally proposed, to 90 feet. The engineer on the project presented the infrastructure report and also the architect was present. Both attended the meeting hosted by the City in April 2008. She read a portion of the summary presented to them by Paul Yadro, Planner. They had discussions regarding concerns of the National Guard including security access, noise and dust and also had a subsequent meeting in which they would like to meet with the Guard to mitigate their concerns. They were willing to work with the National Guard in the future and hopefully come up with some suggestions from them as to what would make them feel protected and their privacy guarded. She asked the Commission to follow Staff's recommendation for approval.*

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

- ***Nicholas D. Rosario, Nellis Air Force Base*** appeared on behalf of Colonel Mike Bartley, Installation Commander at Nellis Air Force Base, to offer some clarification. On March 4, 2008, Colonel Bartley, at the request of a letter submitted by the applicant to Nellis Air Force Base, signed out a letter of non-objection with regards to the development known as the Miller Hotel & Casino. After discussions with members of the Nevada National Guard, they believe it was important to clarify the intent of Colonel Bartley's letter. While Nellis Air Force Base had no objection to the development as designed, at 90 feet in height, as it did not currently impact their mission, they do not speak for other military installations, such as the Nevada National Guard; thus, they would like to ensure that Colonel Barkley's letter was not construed as anything other than the opinion of Nellis Air Force Base. The Nevada National Guard was an expert in their military mission; therefore, they ask that any adverse mission impact be independently considered.
- ***Lieutenant Colonel Enrique De La Paz, 2460 Fairview Drive, Carson City, NV 89701*** appeared on behalf of the Nevada National Guard explaining they had the opportunity to meet with the applicant two to three weeks ago and appreciated their time and desire to address the issues. It was difficult to say their issues could be resolved. The Nevada National Guard's position was straight forward. They were 100 percent opposed to any type of arrangements to have any form of casino or hotel tower adjacent to their property as it was not compatible. Any and all special use permits that would change the original zoning of the property would adversely and most importantly negatively affect the training and operations of the National Guard. It was encroachment into their facilities and impacts would negatively affect the training of their soldiers. They had changed their training and were not dealing with the same type of threats as in the past. Having the ability to overlook their facilities, where they were training was taking place, the enemy was being given a clear picture of their tactics, techniques and procedure (TTP's). The enemy was interested in how they fight, how they maneuver and the type of equipment used and the status of the readiness of the units. He asked the Commission to reconsider and

*deny the application. He felt it was a shame that he had to come to the Commission to ask for permission to train his soldiers so that the rights of people could be defended to make more money and asked when people were going to do their duty and support the National Guard. He explained they were not training for floods, fires, or natural events and pointed out that since 2001, there have been soldiers with automatic weapons at the airport to protect the public, as there was a threat of terrorism. He invited the Commission to spend a week in his office so they could see what the men and women of the National Guard do on a daily basis. He introduced Colonel Terence Sullivan, Director of Logistics who was an aviator and could back-up what was said. Mr. De La Paz asked for the Commission's support.*

- **Clayton Chappell, 2460 Fairview Drive, Carson City, NV 89701** expressed concerns of their anti-terrorism force protection, the surveillance and observation of any training and movement at their facilities. They also have safety concerns, not only for National Guardsmen, but also for the public and interaction or potential interaction between nighttime operations and training that occurred at the National Guard facility. They also had concerns with increased traffic, particularly adjacent to their property. The training impact was at night as well as in the daytime. It was impractical to be able to operate at night, with the amount of light that would be generated from casinos. He pointed out in the draft master plan they showed what the zoning was, which was C-2 or resort casino; but, in no way, does that say they are accepting of that zoning. When the National Guard first located to the area, the property was zoned light industrial, which was more compatible with the National Guard activities. In his position he was responsible for protecting the lands they have or what small opportunities they have for training.

*Commissioner Angelo Carvalho appreciated the comments of the National Guard and their service, time and dedication to their country. From his personal experience as a soldier, the enemy was three steps ahead. Even with all of the training, when soldiers get to the battlefield, the enemy was already ahead. The second a way was found to stop the enemy, he improvised. He understood the security of the Nation, but did not feel the casino would be a hindrance to the training of the Guard, because there were other facilities in the area. There was currently training in Iraq on a lot of the tactics. He was in support of the casino and felt the applicant would be willing to work with the National Guard on their design.*

*Commissioner Jo Cato thanked Commissioner Carvalho for his service to the Country and the presentation given by Colonel De La Paz was very compelling. She asked if there was anything planned in the area other than the casino. She had heard a rumor there would be a Department of Motor Vehicles in that area. Mr. Rosario of Nellis Air Force Based said they had been contacted regarding an extended stay hotel that would abut the property.*

*Chairman Steve Brown asked what types of business could go in C-2 areas, that would not have to come before the Commission. Marc Jordan, Planning Manager responded C-2*

*was General Commercial and you could have almost any type of retail use as a principally permitted use (grocery stores, department stores, restaurants) and as far as an extended stay hotel, it would require approval of a special use permit that would be reviewed by the Commission and forwarded to City Council. There could not be residential or a hotel without a special use permit.*

*Commissioner Dean Leavitt indicated whatever action was taken, the application would go forward to City Council for final consideration. He appreciated Sargent Carvalho's comments regarding his experience and sharing his knowledge. He was also a former National Guard and understood everything that was said and felt a decision should be made and the application forwarded to City Council for their consideration.*

*Commissioner Jay Aston asked if the National Guard had a site plan and if there was a hospital planned for the site. Colonel Chappell of the National Guard responded there was. They were working with the State for a potential hospital, but it was the third choice and they learned the first choice was being used. Commissioner Aston asked if the hospital were to be on their site, how many stories it would be. Colonel Chappell responded they had not discussed the details of the design. They were looking at anything that was compatible to try to create a buffer and the hospital was not a top priority but was on the master plan list. Commissioner Aston was curious if the hospital was multi-story, that it could have created the same concerns they had with a casino and hotel as someone could also breach security in a multi-story hospital. Colonel Chappell explained it was not a public hospital, it was a health and human services type hospital and was not going to be multi-story, but it was pulled from the master plan.*

*Chairman Brown asked what was planned for the site. Major Chappell responded currently on the site there was a Department of Motor Vehicle Office and were working with Nevada Highway Patrol (NHP), and a Park and Ride with Clark County. NHP surveyed, but because of budget constraints, had pulled back the design but were in the process of surveying the area for a regional training for their services and they were also looking at their own regional training institute. There was also a Nevada Department of Transportation facility. In the northern section they were looking at an Emergency Vehicle Operations Center (EVOC) and North Las Vegas Fire and Police have been interested in putting in a facilities. There was currently a total of 11 entities looking at putting in facilities on approximately 220 acres in the northern section. There was also a combat engineer course, open training and combat training. For the National Guard, this was the largest owned training facility. There was a readiness center and they were looking to add two to three new readiness centers and maintenance shops that currently existed and expanding the maintenance shops.*

*Chairman Brown explained even though the National Guard was adamantly opposed to a casino, a commercial establishment could go in without having to get permission. Major Chappell understood and they had concerns about all of those uses. When they purchased the property, the surrounding properties were light industrial.*



*Commissioner Dilip Trivedi asked Staff when the property was rezoned from industrial to C-2 and at that time, if there was any consideration given to it being in the neighborhood of the National Guard. Mr. Jordan responded the property was rezoned June 15, 2005 to the current zoning and as far as whether there was consideration given to the National Guard, he did not know the answer; it would have to be researched.*

***John Bear, 3463 Heatherford Avenue, Las Vegas, NV*** owner of 42 acres next to the proposed site indicated he owned his property since 1980 and applied for C-2 zoning in 2005 and it was done with the support of the National Guard. The administration has changed since that time and the zoning was changed when the City revised the Master Plan creating a resort area. They went together with Mr. Miller and then the Focus Group came on board. The property had been in escrow for an arena with a hotel/casino on 120 acres and that project was still in the works and they were working diligently on that project. The proposed hotels and casino would employ a lot of people. He suggested a bridge be put across the railroad tracks, which would solve much of the problem and thought it might be a good time to move the facility. The rezoning was approved in 2005 because there was 100 percent approval from the National Guard.

*Commissioner Trivedi was not opposed to a casino, but did sympathize with the National Guard and understood their concern with the height of the buildings and people being able to overlook their property. He was in support of a casino, but would like to see a one or two-story horizontal development. The Valley was built on gaming and he did not feel a casino could be opposed.*

*Chairman Brown asked Staff the zoning east of the National Guard property. Mr. Jordan responded it was zoned M-2. There would be a combination of M-1 and M-2. There was also a PUD that was approved in 1998 with retail and a casino. Even though it was approved for a casino, it was around the time SB-208 was approved, so even though the PUD was approved for a casino, they do not have a Gaming Enterprise District on the property; so, technically they cannot put in a casino without establishing a GED.*

*Commissioner Trivedi asked if 40 feet was the maximum height allowed in M-1 and M-2. It was stated 45 feet was the maximum height allowed. Commissioner Trivedi clarified the only area of concern was where the casino sites were located. He was in favor of the application with height restrictions.*

*Chairman Brown asked if Item No. 24 was not approved, the fire station would be lost. Mike Steele of the Fire Department explained the condition was also listed in Item No. 23.*

*Commissioner Harry Shull stated there was another casino in the approval process and the same situation would exist with the National Guard. He addressed the possibility of building a bridge over the railroad tracks and asked if that was a condition that could be put on the casinos who might want to come in, so the National Guard could get their more sensitive training away from the development along the freeway. He realized the cost of building a bridge was expensive; but, if it enabled two or three casinos to come in, it might*

*be a small price to pay. He asked Staff if the condition was viable and asked the National Guard if that would help them. Mr. Jordan responded the problem was, you would be placing a condition on the application that would require the applicant to go over to some other property and build something, and was not a condition Staff would normally place on an application.*

*Colonel De La Paz appreciated the concern and explained they wanted to have as much contiguous land as possible; but the best way to use the property for them, was not just based on the opinion of two or three officers, but was based on the opinion of paid consultants.*

*Commissioner Angelo Carvalho asked how often the National Guard physically performed training. Colonel De La Paz responded there was training almost every weekend and the closer soldiers came to deployment time, the more intense and larger amount of training was received. Two years prior to deployment, soldiers must train a minimum of 21 consecutive days of annual training and one weekend per month has increased by 10 to 12 percent. Due to current restrictions in training time and due to restrictions on rotations of the troops and because the President and the Secretary of State have decided that no troop will be out of the country more than 12 months, which has significantly increased training requirements. Commissioner Carvalho understands the principle of the training prior to deployment. He understood the concerns of the National Guard, that they did not want their training overlooked; but, where the property was situated, there were already tall buildings to the south on Range Road or to the north, there was a car lot with tall buildings. Colonel De La Paz understood you could not fool proof everything but they did not want to make it easier for people to view their site. Commissioner Carvalho suggested the casino could be situated so the windows faced the other direction and asked Colonel De La Paz if he had spoken with the applicant regarding that. Colonel De La Paz responded they had, but the architect mentioned he could try to engineer something like that and it would help; however, it would be better if the casino were not allowed.*

*Commissioner Dilip Trivedi indicated the applicant did not have a building schedule and were just claiming a stake on the property and were looking for the right to build a casino and hotel and felt if in an M-1 or M-2 zoned district a 45 foot building was allowed, then a 45 foot tall hotel should be allowed.*

*Commissioner Cato suggested following Commissioner Leavitt's recommendation and felt an informed recommendation could be made and the application be forwarded to City Council for final consideration.*

*Chairman Brown asked Staff if Item Nos. 23 and 24 would be forwarded to City Council. Staff responded they would not.*

*Ms. Dreja stated they were willing to work with the National Guard in terms of securing the site. In terms of the enemy renting a hotel room and overlooking their operations, the architect had many ideas on how to impede the view from the hotel/casino to the National*

*Guard site and for that reason they were hoping to follow the lead of Centennial Crossings' condition of approval, which was "design a building such that guests of the hotel do not have a view of the National Guard site" to help with their security and that was to come into effect at the point of the final development plan.*

**Winston Henderson, Henderson Architects, 1555 Flamingo Road, Las Vegas, NV** indicated they would put in a five foot high earthen berm with intense landscaping on all of the perimeter area that abutted the National Guard property. They would also orient the rooms to face away from the National Guard property and place the parking garage between the hotel tower and the National Guard property and would also increase the set-back from the required 20 feet to 60 feet. If the application was approved, the applicant would continue to work with the National Guard on possibly getting their input on configuration both on site and, if they were willing to explore land swaps, as discussed, for orientation of the site.

Mr. Jordan was concerned regarding discussion by the applicant's representatives about redesigning the site so there would not be windows facing any of the National Guard site and felt there was designing at the podium and Staff had no information to view and the Commission was considering the site plan for the use permit. The heights of the buildings were being considered, so if there was a desire to consider any of the changes, Staff would recommend that the use permits be continued so the applicant could redesign the site and present them to the Commission and Staff so an appropriate recommendation could be made.

Mr. Henderson explained the site plan presented reflected the parking garages between the hotel and the adjacent property, the increased set-back along the rear of the site, and the intense landscape buffering but did not show a 90 foot tall building.

Chairman Brown stated since the Public Hearing had not been closed, he would accept comments from the following participant:

- **Robert Browning, 6504 Amanda Michelle Lane, North Las Vegas NV** felt it was ingenuous to say the area was going to be used for maneuvers and it was needed; but, the issues being discussed were national interests. He had concerns about North Las Vegas because he was paying Federal and State dollars to support them and they wanted to take away tax revenue that should come into the City to reduce the tax burden on the citizens. He felt this application should be considered the same as all others and poor judgement was used when the property was purchased by the National Guard.

Chairman Brown closed the Public Hearing.

Commissioner Harry Shull asked how many acres were involved with the casino development. It was stated it was a 73 acre site. Commissioner Shull asked how many rooms were designed for the 90 foot tower. Ms. Dreja responded there was approximately

*1,000 rooms. Commissioner Shull asked Mr. Henderson if 1,000 rooms could be built keeping the height at two story. Mr. Henderson stated it got prohibitive with the parking and they also have parking garages. As the building starts to spread out with a low-rise, it ate up area that would normally go to the casino itself and as you looked around town, you could see a prototype of what was financially feasible. There was a reason most of the neighborhood and outlying casinos looked the way they do, because it basically became the financial footprint and was a combination that worked.*

Staff recommended the following conditions for UN-27-08:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-27-08 is site specific and non transferrable.
3. That UN-27-08 shall be null and void if GED-01-08 is not approved by City Council.
4. That UN-27-08 shall comply with all conditions of approval of UN-26-08.
5. A turn-key fire station, including associated vehicles, equipment, and all City required off-site improvements shall be completed to the satisfaction of the City and at the expense of the developer prior to Certificate of Occupancy for any hotel or any high-rise on the proposed site. The station shall be built to the North Las Vegas Fire Department Station Design Standard, or other standard as approved by the Fire Chief. The station shall be furnished with a fire engine, a fire truck, and a rescue unit per the specifications of the North Las Vegas Fire Department. The land, building, and equipment for the station shall be deeded to the City of North Las Vegas. The site for the station shall be approved by the Fire Chief.
6. No heliport shall be built upon the top of the high-rise.
7. A radio repeater system shall be installed per Fire Department standards in the high-rise.
8. The fire command center shall be located at grade as directed by the Fire Department.
9. A Fire Protection Report for the high-rise shall be approved by the City of North Las Vegas prior to submitting any building plans.
10. The sanitary sewer for the subject property shall be routed south on Sloan Lane and connect into the existing Clark County sanitary sewer, unless otherwise directed by the Director of Utilities.

11. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services Rules and Regulations.

7ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Carvalho

SECOND: Commissioner Shull

AYES: Commissioners Leavitt, Shull, Cato, and Carvalho

NAYS: Chairman Brown, Vice-Chairman Trivedi, and Commissioner Aston

ABSTAIN: None

**PUBLIC FORUM**

**Susan Allen, 3715 Fisher Avenue, North Las Vegas** and **Denise Johnson, 3713 Fisher Avenue, North Las Vegas** stated their opposition to Item No. 2, UN-53-08. Chairman Brown advised them that the item had already been approved by the Planning Commission and would be forwarded to the City Council for final action.

**DIRECTOR'S BUSINESS**

Director Fiori advised the Commission that Staff had received the first module of Title 17 and a draft would be prepared in the next couple of weeks for a work session in mid-July.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 8:05 P.M.

APPROVED: July 9, 2008

/s/ Steve Brown  
Steve Brown, Chairman

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