

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman
Marilyn Kirkpatrick
Dean Leavitt
Scott Albright

2200 Civic Center Drive
North Las Vegas, NV 89030
(702) 633-1516
(702) 649-6091

Harry Shull, Vice Chairman
Anita Wood
Tom Langford

August 8, 2001

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall
2200 Civic Center Drive, at 7:00 p.m.

ROLL CALL:

Dean Leavitt - Present
Anita Wood - Present
Tom Langford - Present
Nelson Stone - Present
Harry Shull - Present
Scott Albright - Present
Marilyn Kirkpatrick - Present

STAFF PRESENT:

Tom Bell, Development Services Director
Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Mary Aldava, Associate Planner
Steve Casmus, Public Works
Madeleine Jabbour, Transportation Services
Steven DiGiovanni, Fire Department
Jim Stubler, Fire Department
Jim Lewis, Deputy City Attorney
Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE

Commissioner Marilyn Kirkpatrick

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

Recording Secretary Karant verified that the Open Meeting Law requirements (NRS 241) had been met.

The North Las Vegas Conference Room and Council Chambers are accessible to handicapped persons. A certified sign language interpreter is available upon advance request.

MINUTES

Approval of the MINUTES for the Planning Commission meeting of July 25, 2001.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Tom Langford SECONDED to APPROVE the minutes of the July 25, 2001 Planning Commission Meeting.

The motion carried by MAJORITY vote with Vice-Chairman Harry Shull abstaining.

CONSENT AGENDA

A) PW-98-01 (4878) LOSEE INDUSTRIAL PARK

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify US Bank National Association to release the Segregated Amount/Set Aside in Lieu of Bond Agreement in the remaining amount of \$33,910.00.

B) PW-99-01 (4880) ANDREWS SUBSTATION

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify St. Paul Fire and Marine Insurance Company to release the Off-Site Improvements Bond in the amount of \$55,370.70.

C) PW-100-01 (4882) JACKSON ESTATES

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by hammer Developments, LLC and accept the Performance Bond in the amount of \$434,973.00.

D) PW-101-01 (4883) LAS VEGAS COGENERATION II

Accept the Commercial Developments Off-Site Improvements Agreement by LV Cogeneration II, LLC and accept the Subdivision Bond in the amount of \$61,863.00.

E) PW-102-01 (4884) AUTO RETAIL CENTER

Accept the Commercial Developments Off-Site Improvements Agreement by G.A.L. Investments, Inc. and accept the Performance Bond in the amount of \$9,143.20.

F) PW-103-01 (4885) HIGHLAND HILLS UNIT 8

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by HH Res, LLC and accept the Subdivision Bond in the amount of \$317,040.63.

G) PW-104-01 (4887) HIGHLAND HILLS UNIT 7

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by HH Res, LLC and accept the Subdivision Bond in the amount of \$394,041.73.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE Consent Agenda Items A through L.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) ZN-29-01 (4731) BRENTWOOD II (Public Hearing)

An application submitted by KB Homes, Inc., on behalf of the Rains 1992 Trust, property owner, for reclassification of property from R-E Ranch Estates District to an R-1 Single-Family Residential District. The property is generally located at the southeast corner of Hammer Lane and Bruce Street. The Assessor's Parcel Numbers are 124-35-601-001, 124-35-601-004, 124-35-601-005, 124-35-601-008, 124-35-601-011, 124-35-601-013 and 124-35-601-014.

RECOMMENDATION:

The Development Services Department recommends that ZN-29-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent "hard zoning" to the R-1 Single Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this property was recently annexed into the City by the City Council. Mr. Jordan stated the Comprehensive Plan shows this as Low Density Residential therefore R-1 is supportive for this area and staff is recommending approval for permanent zoning to the R-1 District.

Joe Genovese, 6763 W. Charleston Boulevard, Las Vegas, Nevada 89146 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford asked the applicant if Bruce Street will be the same width all the way down from Craig or will it be narrowed.

Mr. Genovese they will improve the 40-foot half street on Bruce, therefore it will be the same width.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE ZN-29-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

2) T-880 (4732) BRENTWOOD II

An application submitted by KB Homes Nevada, Inc., on behalf of the Rains 1992 Trust, property owner, for a tentative map review in an R-E Ranch Estates District (pending R-1 Single-Family Residential District). The property is generally located at the northeast corner of Washburn Road and Bruce Street. The Assessor's Parcel Numbers are 124-35-601-001, 124-35-601-004, 124-35-601-005, and 124-35-601-008.

RECOMMENDATION:

The Development Services Department recommends that T-880 be continued indefinitely to allow the applicant time to submit a revised tentative map addressing the concerns outlined in the analysis section. State Statutes require the Planning Commission to act within 45 days, otherwise the tentative map would be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-880 be denied.

If, however, the Planning Commission were to determine that approval is warranted at this time, then staff recommends the following conditions:

1. Standard conditions: 1, 2, 3, 7, 11, 15, 26, 27 and 31.
2. Fiber optic conduit is required along the Washburn Road and Bruce Street frontages.
3. There is an emergency access gate shown at the south end of Crimson King Street. This gate must be electronically controlled. Additionally, the street must provide an unobstructed drainage flow path to Washburn Road.
4. The 48-foot-wide "public utility and emergency access easement" shall also be designated as a public drainage easement.
5. If this is a gated community, a queuing analysis is required.
6. The entry and exit lanes on Moonfire Avenue must be a minimum of 20 feet wide.
7. A merger and resubdivision map will be required to combine lots 1 through 4 of Certificate of Land Division 63-84.
8. Bruce street must be dedicated adjacent to APN 124-35-601-011 and 124-25-601-103.
9. Pedestrian access shall be provided to Washburn Road and Hammer Lane.
10. The installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City.
11. Perimeter street fire hydrants shall be provided in accordance with Ordinance 1283.
12. A second means of access to the development, exclusive of Bruce Street, shall be provided to comply with Ordinance 1283.
13. No site plan approval by the Fire Department is implied.
14. The developer shall comply with the Single Family Design Standards.
15. All dwelling units shall be designed to increase the level of sound attenuation by 25 decibels.

16. Two copies of a revised tentative map incorporating the conditions of approval shall be submitted for review to the Public Works Department and the Planning Division prior to submittal of the final map.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated according to the proposed tentative map staff had a few concerns with it, primarily where Crimson King Street is located, which is approximately 1,200 feet in length with no curvilinear design, and likewise the Fire Department had concerns regarding the access to the subdivision and would like to see it amended to allow one more access to this. Mr. Jordan stated the applicant has submitted a tentative map to staff today, but staff has not had adequate time to review that, therefore staff is recommending a continuance of this item and it may be date-specific to the next Planning Commission meeting if the Commission so desires and the applicant is in agreement with that.

Joe Genovese, 6763 W. Charleston Boulevard, Las Vegas, Nevada 89146 appeared on behalf of the applicant who stated he agrees with staff as some changes were made to the site plan and he would like to see this item continued to the next Planning Commission meeting on 8/22/01.

Commissioner Tom Langford MOVED and Vice-Chairman Harry Shull SECONDED to CONTINUE T-880 to the 8/22/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 8/22/01.

Item #3 AMP-21-01 and Item #4 ZN-28-01 are related and are being presented together.

3) AMP-21-01 (4723) CENTENNIAL PARKWAY (Public Hearing)

An application submitted by Ike and Dana Epstein, property owners, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to Neighborhood Commercial. The property is generally located at the southeast corner of Centennial Parkway and Commerce Street. The Assessor's Parcel Numbers are 124-27-501-008 and 124-27-502-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-21-01 be denied as the proposed change does not comply with the guidelines established in the Comprehensive Plan and there has not been any compelling reason demonstrated by the applicant to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-28-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

The application was presented by Marc Jordan, Senior Planner, who indicated this item is an amendment to the Comprehensive Plan from low density residential to neighborhood commercial and Item #4 ZN-28-01 is a rezoning from R-E Ranch Estates to C-1 Neighborhood Commercial. Mr. Jordan stated the property is comprised of two (2) ten (10)-acre parcels. He stated the applicant has submitted a market analysis for this site and according to the staff report within a two-mile radius there are number of commercial areas, some which have been developed, some areas that have already been approved for commercial and some areas that are supported for commercial within the Comprehensive Plan. He stated there are approximately 492 acres of potential commercial within a 2-mile radius. He stated if this area was developed at a ratio of 22% there would be approximately 4.7 million square feet of commercial space and according to the Comprehensive Plan floor area ratio of 20 square feet to 55 square feet per capita is recommended, which would equate to a population of 85,000 to 235,000 to support this much commercial. He stated according to the market analysis there is approximately 34,000 residents at build-out in this area. The area is located at the intersection of two 100-foot arterial streets, and the applicant has met with staff and indicated additional information regarding the market analysis that may have an impact on this, which the applicant will present to the Planning Commission tonight. He stated staff is concerned about the potential of strip development along Centennial Parkway where staff would encourage the note-commercial development, therefore staff is recommending denial of the Comprehensive Plan amendment as well as the rezoning request.

Ike Lawrence Epstein, 530 Las Vegas Boulevard South, Las Vegas, Nevada 89101 appeared on behalf of the applicant who stated he feels according to the market analysis this is a good project for commercial development.

Jeremy Aguero, 2700 W. Sahara Avenue 3rd Floor, Las Vegas, Nevada 89102 appeared on behalf of the applicant who stated he feels the market analysis conducted supports the need for this commercial development.

Chairman Nelson Stone stated that staff has just recently received new information from the applicant which has not allowed them to adequately evaluate the information.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

- ▶ John Kelley, 6663 Montezuma Caste Lane, North Las Vegas, Nevada 89084

Mr. Kelley stated when he purchased his home he was told this entire area was and would be residential and he opposes this project as he would like to see it remain residential. He also stated there is no development plan and he opposes a project where there is no actual commitment to what type of commercial will comprise the project.

- ▶ Nancy Sanzari, 410 E. Regena Drive, North Las Vegas, Nevada 89031

Ms. Sanzari stated she supports this application being approved.

- ▶ Cathy Cuellar, 200 E. Regena Drive, North Las Vegas, Nevada 89031

Ms. Cuellar stated she opposes this project as it is quiet in this area and she feels commercial would upset the landscape of the community.

Chairman Stone closed the Public Hearing.

Chairman Stone stated it appears staff has not had an adequate amount of time to properly review the new information presented to staff.

Steve Baxter, Planning Manager, stated that staff would appreciate additional time to review the new information, however staff is still recommending denial due to the location of this project. He stated that being on the east side of Commerce Street there would be only 20 acres separating this from the commercial to the east and that could lead to commercial strip potential there.

Tom Bell, Director of Development Services, stated that staff is studying both the Commerce corridor up to the beltway as well as the 5th Street corridor up to the beltway for potential commercial analysis and designation. Mr. Bell stated, from staff's viewpoint, he would support more commercial near the beltway instead of adjacent to neighborhoods and that staff's study will be available to the Planning Commission approximately mid-September, but presently staff's recommendation will stand as he believes there are better places to designate that commercial.

Commissioner Anita Wood stated that considering the volume of new material the applicant has presented, she feels it would be best to continue this item to the last meeting in September 2001 in order to give staff ample time to adequately review the material, as well as to allow the study staff is preparing which Mr. Bell referred to, to be available to the Planning Commission.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to CONTINUE AMP-21-01 to the 9/26/01 Planning Commission meeting.

The motion carried by MAJORITY vote with Chairman Nelson Stone voting against the motion.

The item is CONTINUED TO 9/26/01.

Item #3 AMP-21-01 and Item #4 ZN-28-01 are related and are being presented together.

4) ZN-28-01 (4724) CENTENNIAL PLAZA (Public Hearing)

An application submitted by Ike and Dana Epstein, property owners, for reclassification of property from an R-E Ranch Estates District to a C-1 Neighborhood Commercial District. The property is generally located at southeast corner of Centennial Parkway and Commerce Street. The Assessor's Parcel Numbers are 124-27-501-008 and 124-27-502-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-21-01 be denied as the proposed change does not comply with the guidelines established in the Comprehensive Plan and there has not been any compelling reason demonstrated by the applicant to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-28-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Chairman Nelson Stone opened the Public Hearing. He stated that the public comments made on Item #3 AMP-21-01 shall also apply to this item as the two items are related.

Chairman Stone stated the Public Hearing shall remain open until such time this item is heard in its entirety.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-28-01 to the 9/26/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED TO 9/26/01.

Chairman Nelson Stone recognized Councilman Shari Buck and Assistant City Manager Gregory E. Rose as being present in the audience and thanked them for their support of the Planning Commission.

5) VAC-12-01 (4722) CENTENNIAL PLAZA (Public Hearing)

An application submitted by Ike and Dana Epstein, property owners, for a vacation of 30 feet of previously dedicated right-of-way commencing at Centennial Parkway approximately 580 feet east of Commerce Street

and proceeding south approximately 580 feet to Regena Avenue. The Assessor's Parcel Numbers are 124-27-501-008 and 124-27-502-005.

RECOMMENDATION:

The Development Services Department recommends that VAC-12-01 be approved subject to the following conditions:

1. That any and all utilities within the vacated area be relocated at the owner's expense; and
2. That this approval shall have no bearing on the considerations of AMP-21-01 and ZN-28-01.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that according to memorandums received by the Public Works Department and the Fire Department there are no objections to vacating this right-of-way and staff is recommending approval of this vacation request.

Ike Lawrence Epsstein, 530 Las Vegas Boulevard South, Las Vegas, Nevada 89101 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to APPROVE VAC-12-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

Vice-Chairman Harry Shull stated he is a member of this church and is also active on this building, however he does not believe there is a conflict of interest and he will vote on this item tonight.

6) UN-61-01 (4725) ST. JOHN NEUMANN CATHOLIC CHURCH (Public Hearing)

An application submitted by Lucchesi, Galati Architects on behalf of Four Way Associates, property owner, for a use permit in an R-E Ranch Estates District to allow a church. The property is generally located at the southwest corner of El Campo Grande Avenue and Coleman Street. The Assessor's Parcel Numbers are 124-29-801-003 and 124-29-801-004.

RECOMMENDATION:

The Development Services Department recommends that UN-61-01 be approved subject to the following conditions:

1. Standard Conditions 1, 2, 3, 6, 8, 10, 11, 12, 15, 26 and 27.
2. The development shall comply with the Commercial Development Design Standards, including, but not limited to the following:
 - a. Sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping.
 - b. A minimum six-foot-wide landscaped island shall be provided for every 15 parking spaces contained in a row and at the ends of every row.
 - c. Landscaped islands shall be installed between the parking rows of every other double row of parking.
 - d. Concrete or clay tile should be used on all sloped roofs.
 - e. Only monument-type freestanding signs may be allowed. The materials and colors used in construction of the monument sign shall be compatible to those used in the primary building.
3. A minimum six-foot-high wall shall be constructed on the property line(s) between the proposed development and the residential property to the west and the commercial and residential property to the south.
4. The driveway number and location are subject to the review and approval of the CNLV Traffic Engineer.
5. An administrative consolidation of parcels is required. The form is available through the Clark County Assessor's Office.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated on March 11, 1998 the Planning Commission approved a use permit to allow the use of a modular building as a church at the southwest corner of Simmons Street and Redcoach. She stated a three (3) year extension of time and an expansion to the special use permit was granted by the Planning Commission on February 28, 2001. She stated the applicant is now requesting approval to construct a permanent facility consisting of 79,745 square feet at build-out. Mrs. Aldava stated the Development Services Department recommends this item be approved subject to five (5) conditions. She stated staff is amending condition #2D from "concrete or clay tile should be used on all sloped roofs" to "concrete or clay tile **shall** be used on all sloped roofs."

Mike Wetzel, of Lucchesi-Galati Architects, 500 Pilot Road, Las Vegas, Nevada 89119 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Chairman Stone asked the applicant what their estimated time of completion was.

Mr. Wetzel stated there are three (3) phases and the first phase would be completed within three (3) years.

Marc Jordan, Senior Planner, stated the 2-year time frame is two years by which all the conditions of approval must be fulfilled, and if the project will only have phase one completed within two years, there is a good chance the second or third phase will not be completed within the two year required time and the applicant may need to apply for an extension of time on the use permit or they would be required to apply for a new use permit for the additional phases.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Anita Wood SECONDED to APPROVE UN-61-01 per staff's recommendations subject to the following changes:

Condition 2D Changed to Read: "Concrete or clay tile shall be used on all sloped roofs."

The motion carried by UNANIMOUS vote.

7) UN-62-01 (4727) WINDEE BAR (Public Hearing)

An application submitted by Garo Barno on behalf of Rana, Inc., property owner, for a use permit in a C-2 General Commercial District to allow the “on-sale” of alcoholic beverages in conjunction with a tavern. The property is located at 2440 Las Vegas Boulevard North. The Assessor’s Parcel Number is 139-13-410-044.

RECOMMENDATION:

The Development Services Department recommends UN-62-01 be approved subject to the following conditions:

1. Standard conditions: 10, 11, 12 and 14.
2. That expansion of the Windee Bar shall be initiated and construction begun within six months of the date of this approval.
3. That 19' feet of landscaping shall be provided adjacent to Las Vegas Boulevard and include at least one 24"-box tree per 15' of street frontage.
4. That a minimum 5-foot-wide landscape strip be provided along Carroll Street, in all areas where feasible. Such landscaping shall include 24"-box trees placed at a minimum spacing of 10 feet on center.
5. That landscape planters be provided in the parking lot at the ends of parking rows, and in all areas not dedicated for parking or drive aisles. Each planter shall contain at least one 24"-box tree.
6. That all landscape areas shall be irrigated and include 60% vegetative ground cover at plant maturity. Non-vegetative ground covers to include, but not be limited to, rocks and small stones, crushed rock, cinders, and bark shall cover the remaining 40% of the landscaped ground surface.
7. That a 3-foot-high decorative wall shall be provided along Carroll Street at the back of the landscaped area, and adjacent to the sidewalk in areas where landscaping may not be feasible. And that such wall be continued along the southern and western property lines so as to create a barrier to prevent vehicles from driving on unimproved surfaces.
8. That a trash enclosure that matches the building be constructed on the site. Such an enclosure shall have opaque steel gates and a roof.
9. That the curb cut on Carroll Street shall be closed off to public traffic and that a 3-foot-high electronic gate be provided for emergency access. Five-feet of landscaping shall be provided in front of this gate with materials such as sod and brick pavers, and shall be subject to review and approval by the Fire Department.
10. That pedestrian access be provided on Carroll Street.
11. That the existing Windee Bar sign be removed and replaced with a monument type freestanding sign not more than 8 feet high, located within the landscape area adjacent to Las Vegas Blvd.
12. That the parking lot circulation be redesigned so that the southern curb cut is restricted to an entrance with “right-in only” movements and the northern curb cut be restricted to an exit with “right-out only” movements.

13. That at a minimum 500-square-feet of the expansion area (or the minimum area needed to satisfy parking requirements) be separated from the bar by walls or partitions and designated as a packaged liquor sales area only. Such area shall have a separate entrance unless it is demonstrated to not be technically feasible.
14. That the natural brick finish be restored to the building facade, and that architectural enhancement be provided on the northwest and southwest sides of the building through use of awnings, pop-outs or other relief.
15. That the drive-thru packaged liquor sales window on the southwest side of the building be removed and/or replaced with an entrance door, or false or real window.
16. That the parking lot be resurfaced and striped to provide appropriate parking. A sufficient number of parking stalls shall be provided in accordance with Title 17.
17. That a reversionary map or a merger and resubdivision map shall be required to remove the non-parcel lot lines.
18. That the applicant shall be responsible to contact NDOT for an encroachment permit to use any of the right-of-way along Las Vegas Boulevard for landscaping purposes.
19. That all submittals intended to satisfy the conditions mentioned herein shall be subject to review and approval by planning staff and/or the appropriate City division.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that presently there is a single building at this location and Windee Bar has a non-operational status license for a portion of that building only and they are asking the Planning Commission to approve their request to expand into the remaining area of that building. Staff has looked at this site and according to the staff report there are a number of improvements to the site which staff is recommending such as landscaping, not only next to Las Vegas Boulevard, but also to the street behind it and within the parking lot, also to close off access to the street where the residential is and to do some improvements to the building that would bring this area into more compliance with the Commercial Design Standards that would also include removing the existing sign that is on the roof and replacing it with a monument sign within the landscaped area next to Las Vegas Boulevard. Mr. Jordan stated staff is recommending approval of this item subject to the nineteen (19) conditions that are listed.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Vice-Chairman Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-62-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

8) ZOA-10-01 (4756) CITY OF NORTH LAS VEGAS (Public Hearing)

An ordinance amendment initiated by the City of North Las Vegas to amend Section 17.12.020 of Title 17 of the North Las Vegas Municipal Code (Zoning Ordinance) to define a “financial institution.”

RECOMMENDATION:

The Development Services Department recommends that ZOA-10-01 be approved as follows:

17.12.020 Definitions:

Add:

“Financial Institution” means any person, firm, or entity subject to the approval or licensing by the Financial Institutions Division of the Department of Business and Industry of the State of Nevada, excepting therefrom any financial institution located wholly within an existing business facility as an accessory use.

Note: Language shown in bold italics is proposed new language.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this definition would include all types of financial institutions including check cashing facilities and loan operations as a financial institution, which would require a special use permit to be reviewed and approved by the Planning Commission. He stated the only exception would be for a bank that is located within a grocery store which is considered an accessory use to the principal use of the grocery store.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZOA-10-01 per staff’s recommendations.

The motion carried by UNANIMOUS vote.

9) T-879 (4726) LAS VEGAS CORPORATE CENTER

An application submitted by Prologis Trust, property owner, for a tentative map review in a M-2 General Industrial District. The property is generally located at the northwest corner of Pecos Road and Alexander Road. The Assessor's Parcel Numbers are 13-01-703-005, 139-01-801-002 and 003, 139-01-802-002 and 004.

RECOMMENDATION:

The Development Services Department recommends that T-879 be approved subject to the following conditions:

1. Standard conditions 11 and 15.
2. A merger and resubdivision map will be required to combine the existing lots into the new lot configuration.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated that presently there are eight (8) existing office/warehouse buildings on the property and the applicant is requesting to come in with a one-acre commercial lot to later divide as needed into separate lots. Mrs. Aldava stated staff is recommending approval of this item subject to two conditions.

Richard Mulls, of Martin & Martin Civil Engineers, 2101 S. Jones Boulevard Suite 120, Las Vegas, Nevada 89146 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Commissioner Tom Langford stated he commends the applicant on the fine work that has been done on this project.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE T-879 per staff's recommendations.

The motion carried by UNANIMOUS vote.

10) SPR-23-01 (4728) AMERICAN STONE

An application submitted by Gerald Garapich, AIA, LLC, on behalf of Stone Mountain Management, LLC, property owner, for a site plan review in an M-2 General Industrial District and for a waiver of landscaping and perimeter fencing requirements. The property is generally located west of Civic Center Drive approximately 640 feet north of Gowan Road. The Assessor's Parcel Number is 139-12-201-012.

RECOMMENDATION:

The Development Services Department recommends that SPR-23-01 be denied because the proposal fails to provide adequate screening for outdoor storage yards, and fails to provide a compelling reason for granting of the requested waivers of the Industrial Design Standards.

If however, the Planning Commission were to determine that approval of the site plan review is warranted at this time, staff recommends the following conditions:

1. Standard conditions: 1, 2, 3, 11, 15, 26 and 27
2. That easements are required for all commercial driveways and RPPA's.
3. That fiber optic conduit along the Civic Center Drive frontage is required.
4. That the site shall comply with the Industrial Design Standards, including but not limited to:
 1. Twenty-feet of landscaping shall be provided adjacent to Civic Center Drive.
 2. A six-foot-wide planter shall be provided at the end of each row of parking and for every fifteen parking stalls within each row.
 3. Perimeter fencing shall be constructed of an acceptable decorative material in accordance with ordinance requirements.
5. That the two proposed forty-foot entrances along the southern property line be removed; and that the applicant discontinue operation on the southern lot and remove the signage and stored materials.
6. The driveways must meet CNLV standards.
7. That the existing billboards along Interstate 15 shall be brought into compliance with Zoning Ordinance Requirements by their removal or through the application of a use permit prior to the application of any building or grading permits at the site.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 9/12/01.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE SPR-23-01 to the 9/12/01 Planning Commission meeting per the applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 9/12/01.

OLD BUSINESS

11) UN-31-01 (3962) LAND LUCKY (Public Hearing)

An application submitted by PBS & J on behalf of Lucky Land, LLC, property owner, for a use permit in an M-2 General Industrial District to allow the outdoor manufacture of precast concrete structures. The property is located at 5390 Donovan Way. The Assessor's Parcel Numbers are 123-31-701-001 and 123-31-602-002.

Recommendation:

The Development Services Department recommends that UN-31-01 be approved subject to the following conditions:

1. Standard conditions number: 1, 2, 3, 7, 8, 10, 11, 12, 15, 26 and 27.
2. The applicant shall comply with the Industrial Design Guidelines including, but not limited to, providing 20 feet of landscaping between the perimeter wall and the Interstate 15 right-of-way.
3. All perimeter landscaping shall be installed prior to any use of the subject site.
4. Barricades shall be provided to prevent vehicles from driving or parking on undeveloped areas.
5. All areas intended for vehicle traffic (driving or parking) shall be paved with an asphalt or concrete surface.
6. All outdoor storage and manufacturing areas shall be screened from adjacent properties or rights-of-way by a solid masonry wall a minimum of eight feet in height, unless otherwise not required by separate approval of SPR-09-01.
7. An on-site fire hydrant will be required at the southeast end of the fire access lane for fire protection coverage.
8. The fire access lane shall be constructed to access all buildings and work areas in accordance with the requirements of Ordinance 1283.
9. All Fire Department codes and ordinances in effect at the issuance of building plans shall apply.
10. No site plan approval by the Fire Department is implied.
11. All conditions of approval shall be met and all improvements installed prior to applying for a business license.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending approval of this item subject to eleven (11) conditions listed in the memorandum which is attached to the staff report.

Bill Curran, of Curran & Parry, 601 S. Rancho Drive, Las Vegas, Nevada 89120 appeared on behalf of the applicant who stated that this application is for an interim use, not long-term. He stated he concurs with most of staff's recommended conditions, however has a challenge with conditions #2, 3, 6, 7 and 11. He stated these conditions are too burdensome for an interim use project.

Chairman Nelson Stone advised Mr. Curran that he has exceeded the allotted 10-minute limit for applicant presentation and asked him to summarize his challenges with the conditions he referred to as having issue with.

Mr. Curran stated, with regards to along Donovan Way, they will build the required block wall, complete the landscaping and comply with all of staff's recommended improvements. He asks to be relieved from building the block wall along the remaining boundaries, that they be permitted instead to do a landscaping buffer there. He stated he previously agreed to install pine trees or some other form of trees acceptable to the City that would differentiate that boundary and he stated there is already a wire fence there consistent with what is found along the highway. Mr. Curran stated his client will landscape that with pine trees which would insulate the property and provide some visual screening. With regards to condition #3, Mr. Curran stated it will take months to complete the landscaping and he believes the contractor must get the project underway. With regards to condition #7, an on-site fire hydrant, he stated the City's Fire Code dictates where a hydrant should be placed. With regards to condition #11, he does not feel that everything can be completed prior to applying for a business license and stated this project needs to begin as soon as possible.

Chairman Nelson Stone opened the Public Hearing. The following participant came forward:

Todd Walker, 3800 Howard Hughes Parkway #920, Las Vegas, Nevada 89109

Mr. Walker stated he represents the company that is managing the monorail company and has worked on this project for 3 years. He stated he is present in support of the project.

Commissioner Tom Langford asked Mr. Walker if this job is out for bid.

Mr. Walker stated that it went to bid in 1997 and the bid was approved a year later.

Chairman Stone closed the Public Hearing.

Chairman Stone stated he rarely ever sees such specific land use requirements regarding fire hydrants. He personally thinks that the applicants would be required to conform to Fire Department regulations in accordance with the Uniform Fire Code and asked Steven DiGiovanni if there was a reason for this.

Steven DiGiovanni, of the Fire Department, stated the requirement for the hydrant comes from the Uniform Fire Code. He stated that in order to develop this piece of land, to bring the water up to this location may require connecting water from another location on Donovan.

Commissioner Anita Wood stated she does not believe classifying this property as an interim use is valid as no matter what is done with the property when this project is over, they will need to meet these requirements. She stated she does not see the requirements changing regardless of what happens with the property when this project is over. She feels the block wall along Donovan is crucial and should be done before the project starts. She stated she opposes waiving anything that stated the applicant is required to comply with the Industrial Design Guidelines.

Commissioner Scott Albright stated his understanding of the entire monorail system is that the City of North Las Vegas will not be part of any extension at this time and it appears to him that the City of North Las Vegas gets to construct these concrete pylons and receive no benefit from it. He also wanted to know, with regards to the permanent structure, if there was any consideration to putting a roof on it.

Mr. Curran stated this is going to be a permanent building and would be required to meet the federal guidelines as a modular building.

Mr. Jordan stated any permanent structure on this site is required to comply with Industrial Design Guidelines.

Commissioner Albright stated that he supports the standards as they exist.

Vice-Chairman Harry Shull asked staff if the perimeter landscaping is a requirement or is it something that could be phased in.

Mr. Jordan stated that is normal, that no one would receive a business license until they fully developed their site and that condition is nothing new that is not placed on every applicant.

Chairman Nelson Stone asked Mr. Curran at what point would his client need a business license.

Mr. Curran replied that as soon as an approval becomes final his client would ask for a business license the next day. Mr. Curran stated this is a temporary use and stated the Planning Commission has granted numerous permanent uses. The neighbors, who are permanent uses, do not have this type of block wall requirement, and this project is a temporary one. He stated the City has the authority to require a developer to place a bond.

Chairman Stone asked Deputy City Attorney Jim Lewis about the City's ability to apply a bond to on-site walls and on-site landscaping.

Tom Bell, Director of Development Services, stated he believes that is possible, however he stated that does not get what you accomplish as it is private property and should the bonds be cashed in two years from now, you still do not have the right to go on to private property and build a private wall as a public agency.

Jim Lewis, Deputy City Attorney, stated the Planning Commission is permitted to attach conditions to the project that it deems necessary. This is a project where the City routinely requires perimeter landscaping be installed prior to the use of the site. He stated, with regards to Vice-Chairman Shull's question on whether or not the landscaping can be phased in, that it is at the discretion of the Planning Commission.

Mr. Bell stated another alternative, if a phase-in is desired by the Planning Commission, that a condition stating "*shall be installed within a specified amount of time*" can be added and place the time limit on the use permit to coincide with that.

Mr. Curran stated he agreed with placing a time limit on the use permit.

Commissioner Tom Langford stated he believes the wall by I-15 is a must to block the view.

Commissioner Dean Leavitt stated he supports phasing in the requirements in a timely manner.

Commissioner Marilyn Kirkpatrick stated, too, believes phasing in the requirements and placing a one-year review on this project.

Vice-Chairman Harry Shull stated he concurs with phasing in, but he does not believe a wall along the freeway will accomplish anything as the property sits below the freeway and he believes that a wall along the freeway would need to be 30 feet high in order to screen any industrial work at this site. He stated that he would be more in favor along the freeway to go in with a heavy landscaping buffer (pine trees, etc.) that would have the opportunity to grow and screen.

Steve Baxter, Planning Manager, stated there seems to be a difference in opinion with regard to the elevation of the site and the freeway. He stated a staff member went out and believed that they were approximately the same elevation.

Commissioner Tom Langford stated he went out to the property today and confirmed that it is the same with no significant difference.

Commissioner Anita Wood stated the Planning Commission is not placing any unusual or additional requirements on this property any different than would be done with any other property in that area and this applicant is not being singled out.

Chairman Stone stated he would support a one-year review of this project and phased construction.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-31-01 per staff's recommendations subject to the following changes:

Condition #3 Changed to Read: "All perimeter landscaping shall be installed along Donovan Way within 60 days and within one (1) year along I-15."

Condition #6 Changed to Read: "All outdoor storage and manufacturing areas shall be screened from adjacent properties or rights-of-way by a solid masonry wall a minimum of eight feet in height, unless otherwise not required by separate approval of SPR-09-01. The wall adjacent to Donovan Way shall be constructed by October 8, 2001. The wall adjacent to I-15 shall be built by August 8, 2002."

Condition #11 Changed to Read: "All conditions of approval shall be met and all improvements installed prior to applying for a business license, except as noted above."

Condition #12 Added to Read: "This use shall be valid for one (1) year."

The motion carried by UNANIMOUS vote.

12) SPR-09-01 (3960) LAND LUCKY

An application submitted by PBS & J on behalf of Land Lucky, LLC, property owner for a site plan review in an M-2 General Industrial District to allow alternate screening. The property is located at 5390 Donovan Way. The Assessor's Parcel Numbers are 123-31-701-001 and 123-31-602-002.

Staff Report

This application was originally heard at the April 25, 2001, Planning Commission meeting and was continued indefinitely. In conjunction with this application was a use permit (UN-32-01) to allow temporary buildings. The applicant has withdrawn the request for temporary buildings, as permanent buildings are now proposed.

Also on this agenda is a request (UN-31-01) to allow alternate screening for the subject site.

Because of the site's high visibility in all directions from Donovan Way and the Interstate 15 right-of-way, staff continues to recommend denial.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this application is no longer needed since these issues were dealt with on the previous item #11 UN-31-01.

Bill Curran, of Curran & Parry, 601 N. Rancho Drive, Las Vegas, Nevada 89120 appeared on behalf of the applicant.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE SPR-09-01 subject to consistency with the conditions of approval for Item #11 UN-31-01.

The motion carried by UNANIMOUS vote.

**There was a break in the proceedings at 8:47 P.M.
The meeting reconvened at 8:58 P.M.**

Items #13 AMP-27,00, #14 ZN-37-00, #15 AMP-28-00, and #16 ZN-38-00 are related.

13) AMP-27-00 (3205) LONE MOUNTAIN/DECATUR (Public Hearing)

An application submitted by Dayside Inc. on behalf of the James H. Bilbray Family Trust, property owner, for an amendment to the Comprehensive Plan, land use element, to change the current designation of Office to Neighborhood Commercial. The property is generally located at the northeast corner of Lone Mountain Road and Decatur Boulevard. The Assessor's Parcel Number is 124-31-401-001.

This item was continued from the July 11, 2001 Planning Commission meeting at the request of the applicant.

RECOMMENDATION:

The Development Services Department recommends that AMP-27-00 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-37-00 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending denial of this item.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109 appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

- ▶ Mary Herdt, 4826 Wind Break, North Las Vegas, Nevada 89031

Ms. Herdt stated she supports this project as the applicant has complied with all of the neighbors' wishes.

- ▶ Jewell Daniels, 4939 Clear Summit Lane, North Las Vegas, Nevada 89031

Ms. Daniels stated she opposes this project as she does not believe more commercial is necessary in this area.

Chairman Stone closed the Public Hearing.

Vice-Chairman Harry Shull stated the proposed property is master planned for office professional (with the zoning being R-1).

Commissioner Scott Albright stated he supports neighborhood commercial, however he is concerned about this commercial application extending all the way up to La Madre Way. He believes it provides a disservice to the residents who live adjacent to this property, and therefore does not support this item.

Mr. Gronauer stated the intention was to put in a day care center, however he would be willing to do an office-type of development commercial/professional use to keep the designation.

Commissioner Anita Wood stated she understood that the applicant was looking at a PUD, that was going to encompass the commercial and the residential and she is disappointed that has not happened. She stated, to the residents present at tonight's meeting, that the problem with not going with a PUD is that the Planning Commission cannot condition hard zoning, which means the Commission cannot condition this project to make sure that the agreement reached with the developer is kept. She stated that the PUD would probably solve most of the problem here, and the PUD allows for mixed uses. Commissioner Wood stated she is not willing to approve something that she cannot guarantee to the residents that the deal made will be kept.

Commissioner Kirkpatrick stated she attended all the neighborhood meetings and everyone assumed that there would be some type of commercial or office at this location. She asked staff if the Commission looked at the entire 14 acres as a PUD would the applicant be closer to the open space requirement?

Mr. Baxter replied that they would not and that open space only applies to the residential portion of the PUD.

Vice-Chairman Harry Shull MOVED and Commissioner Scott Albright SECONDED to APPROVE AMP-27-00 per staff's recommendations with the deletion of lot #1 from the application.

The **MOTION TO APPROVE FAILED** with Commissioners Marilyn Kirkpatrick, Tom Langford, Anita Wood and Dean Leavitt voting against the motion.

Commissioner Tom Langford MOVED with Commissioner Anita Wood SECONDED to **DENY** AMP-27-00 as the subject site does not comply with the guidelines established within the Comprehensive Plan.

The motion carried by MAJORITY vote with Chairman Stone and Commissioner Scott Albright voting against the motion.

Items #13 AMP-27,00, #14 ZN-37-00, #15 AMP-28-00, and #16 ZN-38-00 are related.

14) ZN-37-00 (3207) LONE MOUNTAIN/DECATUR (Public Hearing)

An application submitted by Dayside, Inc. on behalf of the James H. Bilbray Family Trust, property owner, for a reclassification of property from an R-1 Single Family Residential District to a C-1 Neighborhood Commercial District. The property is generally located at the northeast corner of Lone Mountain Road and Decatur Boulevard. The Assessor's Parcel Number is 124-31-401-001.

This item was continued from the July 11, 2001 Planning Commission meeting at the request of the applicant.

RECOMMENDATION:

The Development Services Department recommends that AMP-27-00 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-37-00 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Chairman Nelson Stone opened the Public Hearing and stated the testimony given on Item #13 AMP-27-00 shall also apply to this item.

The Public Hearing was closed.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to **DENY** ZN-37-00 per staff's recommendations.

The motion carried by MAJORITY vote with Commissioner Scott Albright voting against the motion.

Items #13 AMP-27,00, #14 ZN-37-00, #15 AMP-28-00, and #16 ZN-38-00 are related.

15) AMP-28-00 (3206) LONE MOUNTAIN/DECATUR (Public Hearing)

An application submitted by Dayside, Inc. on behalf of the James H. Bilbray Family Trust, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Office to MDR Medium Density Residential. The property is generally located at the northeast corner of Lone Mountain Road and Decatur Boulevard. The Assessor's Parcel Number is 124-31-401-001.

This item was continued from the July 11, 2001 Planning Commission meeting at the request of the applicant.

RECOMMENDATION:

The Development Services Department recommends that AMP-27-00 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-37-00 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that according to the guidelines within the Comprehensive Plan the density and scale development should be compatible with the adjacent residential uses. He stated that according to some of the tentative maps for these areas there is an approximate density of 4.8 units, and likewise with the Ranch Estates to the south it would be lower than that. He stated that medium density residential areas should be located near the intersection of two 100-foot wide or larger streets or immediately adjacent to community commercial/regional commercial areas and this site does not comply with that requirement, therefore staff's recommendation would be for denial of this amendment to the Comprehensive Plan. Likewise with regard to the rezoning application, the applicant has indicated that they are proposing single-story patio homes and the request is for an R-2 development and according to the zoning ordinance 4-plexes can be built as a matter of right within an R-2 zoned district, therefore with this particular application there would be no guarantee that patio homes would be built, and the applicant would have the ability to come in with duplexes, 4-plexes or with a town home development.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109 appeared on behalf of the applicant who stated this is planned for office/professional and feels he is doing a good service to the neighborhood by coming in with medium density residential and coming in with an R-2 zone change and asks for the Commission's approval.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

- ▶ Randy Rogas, 4846 Windbreak Lane, North Las Vegas, Nevada 89030

Mr. Rogas stated he was previously opposed to this development, however stated the applicant has worked with the community and addressed the community's concerns, and at this point he supports this project.

Chairman Stone stated the public testimony given on Item #13 AMP-27-00 shall also apply to this item.

Chairman Stone closed the Public Hearing.

Commissioner Marilyn Kirkpatrick commended the developer for making significant changes in this project, however she is concerned about there not being any way to protect the residents.

Commissioner Scott Albright asked staff what is the maximum density in medium density residential?

Marc Jordan replied that it is up to ten (10).

Commissioner Albright stated that the Commission should be looking at the amendment to the Master Plan based on worst-case scenario.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to DENY AMP-28-00 per staff's recommendations.

The motion carried by MAJORITY vote with Chairman Nelson Stone and Vice-Chairman Harry Shull voting against the motion.

Items #13 AMP-27,00, #14 ZN-37-00, #15 AMP-28-00, and #16 ZN-38-00 are related.

16) ZN-38-00 (3204) LONE MOUNTAIN/DECATUR (Public Hearing)

An application submitted by Dayside, Inc. on behalf of the James H. Bilbray Family Trust, property owner, for a reclassification of property from an R-1 Single-Family Residential District to an R-2 Two-Family Residential District. The property is generally located at the northeast corner of Lone Mountain Road and Decatur Boulevard. The Assessor's Parcel Number is 124-31-401-001.

This item was continued from the July 11, 2001 Planning Commission meeting at the request of the applicant.

RECOMMENDATION:

The Development Services Department recommends that AMP-27-00 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-37-00 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Chairman Nelson Stone opened the Public Hearing and stated that all comments made on Item #13 AMP-27-00, #14 ZN-37-00, and #15 AMP-28-00 shall also apply to this item.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Anita Wood SECONDED to **DENY** ZN-38-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

17) UN-85-00 (4436) TIMBERS (Public Hearing)

An application submitted by THG, Inc., property owner, for an extension of time on a use permit in a C-1 Neighborhood Commercial District to allow the “on-sale” of alcoholic beverages in conjunction with a bar & grill. The property is generally located north of Ann Road approximately 292 feet east of Simmons Street. The Assessor’s Parcel Number is 124-29-803-008.

RECOMMENDATION:

The Development Services Department recommends that the Planning Commission grant a six-month extension of time for UN-85-00 subject to the following conditions:

1. All conditions of approval for UN-85-00 shall apply.
2. All conditions of approval for FDP-02-01 shall apply.
3. That UN-85-00 shall expire on November 21, 2001.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated the Planning Commission at the November 21, 2000 approved the special use permit for the on-sale of alcoholic beverages in conjunction with a bar and grill. She stated the applicant has requested a two-year extension of time to allow the property owner time to purchase the undeveloped 2 ½ acre parcel to the east, however the Planning Commission may only grant extensions of time in intervals of six (6) months for any use or establishment which include the on-sale of alcoholic beverages, therefore the Development Services Department recommends that the Planning Commission grant a six (6) month extension of time subject to three (3) conditions.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109 appeared on behalf of the applicant who stated he is asking for a two-year extension of time.

Chairman Nelson Stone opened the Public Hearing. The following participant came forward:

- ▶ Russell Bruce, 3717 St. Peters Court, North Las Vegas, Nevada 89031

Mr. Bruce stated he understands this is one of the three (3) which have been located into a small area and he hopes this item is denied as he does not want to see three bars in this small area.

Chairman Stone closed the Public Hearing.

Chairman Stone asked the applicant what is the impact if the Planning Commission only gives him a six (6) month extension of time.

Mr. Gronauer stated that hopefully within six (6) months they will have the final development plan review approved.

Commissioner Anita Wood asked the applicant if he is planning to turn in a revised final development plan on Tuesday of next week (8/14/01).

Mr. Gronauer replied that is correct.

Commissioner Wood asked staff if the applicant turns in those final development plans on 8/14/01 when would they come before the Planning Commission?

Marc Jordan replied September 26, 2001.

Commissioner Wood stated that Mr. Bruce is not the only resident that is concerned about the number of bars in this area. She is concerned that by extending this item the Commission will be extending the old final development plan which is not the quality the Commission wants to see and if the applicant were to come forward with a new final development plan which she thinks is significantly better quality and the item can be continued to that future meeting, then, at least if the Commission extended the item they would be extending something positive.

Vice-Chairman Harry Shull asked the applicant if a continuance to the September 27, 2001 Planning Commission meeting so they could get in line with the PUD would be agreeable?

Mr. Gronauer stated he would like to move forward at least with this portion as staff is recommending approval and if the Commission wishes to make that a condition of approval he has no problem with it.

Vice-Chairman Shull asked Deputy City Attorney Jim Lewis if it is possible for the Planning Commission to approve this item with an amendment stating subject to the Planning Commission's approval of the final development plan?

Jim Lewis, Deputy City Attorney, stated that since the applicant has offered to condition the extension of time upon filing the final development plan next Tuesday (8/14/01) that would be acceptable. He stated he does not believe it would be practical to condition the extension of time upon the approval of the final development plan as it is months away.

Vice-Chairman Shull asked Mr. Lewis that if the condition were placed on the item, could the Planning Commission approve the requested extension of time for the two-year period?

Mr. Lewis replied that he would not advise that. He stated when looking at the code with regards to special use permits and on-sale, for the approval of an initial use permit any other use or establishment which includes the on-sale of alcoholic beverages shall be fulfilled and construction begun within six (6) months of the date of approval and it has been generally the policy of the Planning Department and this Planning Commission to only approve six (6) months extension of time for special use permits that request the on-sale use of alcohol.

Vice-Chairman Harry Shull **MOVED** and Commissioner Dean Leavitt **SECONDED** to **APPROVE** UN-85-00 per staff's recommendations.

The motion carried by **MAJORITY** vote with Commissioners Tom Langford and Anita Wood voting against the motion.

18) FDP-06-01 (4414) SIMMONS PROPERTIES LLC

An application submitted by Simmons Properties LLC, property owner, for a Final Development Plan review in an R-E Ranch Estates District (ROI to C-1 Neighborhood Commercial). The property is generally located at the southwest corner of Ann Road and Simmons Street. The Assessor's Parcel Number is 124-32-102-003.

RECOMMENDATION:

The Development Services Department recommends that FDP-06-01 be denied because the proposed final development plan does not satisfy the previously approved conditions established for this site.

Prior to the Planning Commission meeting, the applicant requested the item be continued indefinitely.

Vice-Chairman Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE FDP-06-01 INDEFINITELY.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

PUBLIC FORUM

This is the portion of the meeting devoted to the public. After completing and submitting a yellow card, the public is invited to come forward upon recognition by the Chairman and speak upon any topic. Usually items received under this heading are referred to the appropriate City staff for action at a later date.

No members of the public came forward.

DIRECTOR'S BUSINESS: None

CHAIRMAN'S BUSINESS: None

ADJOURNMENT: 10:00 PM

A motion to ADJOURN the August 8, 2001 meeting of the Planning Commission of the City of North Las Vegas was made by Chairman Nelson Stone. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary