

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

September 27, 2006

***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

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

**STAFF PRESENT:** Jory Stewart, Planning & Zoning Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Terence Capers, Planner  
Sean McGowan, City Attorney  
Jennifer Doody, PW, Development & Flood Control  
Clete Kus, PW, Transportation Planner  
James Frater, Fire Department  
Jose Rodriguez, Police Department  
Bethany Sanchez, Deputy City Attorney  
Jo Ann Lawrence, Recording Secretary

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

**PLEDGE OF ALLEGIANCE:** Chairman Angelo Carvalho

**PRESENTATION**

- **PRESENTATION TO COMMISSIONER JAY ASTON FOR HIS SERVICE AS CHAIRMAN OF THE NORTH LAS VEGAS PLANNING COMMISSION**

ACTION: PRESENTATION GIVEN

**MINUTES**

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 23, 2006.**

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Chairman Carvalho

**CONSENT AGENDA**

- A. **PW-167-06 (27479) LOSEE ROAD MULTI-FAMILY: APPROVE THE COMMERCIAL DEVELOPMENTS OFF-SITE IMPROVEMENTS AGREEMENT BY LOSEE ROAD DEVELOPMENT, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,322,185.17.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**B. PW-168-06 (27480) DEVONRIDGE RESIDENTIAL SUBDIVISION: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY INSURANCE COMPANY OF THE WEST TO RELEASE THE SUBDIVISION BOND IN THE AMOUNT OF \$372,110.70.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**C. PW-169-06 (27481) FIESTA DEL NORTE, UNIT 1: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY FIDELITY & DEPOSIT COMPANY OF MARYLAND TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$1,051,868.90.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 6 was heard next.**

### **NEW BUSINESS**

1. **AMP-40-06 (27263) CNLV COMPREHENSIVE PLAN UPDATE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, TO ADOPT A NEW CITY OF NORTH LAS VEGAS COMPREHENSIVE MASTER PLAN 2006 (TO REVIEW THE DOCUMENT, GO TO [WWW.NLVPLAN.COM](http://WWW.NLVPLAN.COM)).**

Ben Herman of Clarion & Associates presented the Draft Comprehensive Plan and explained the Plan had been drafted over the past 15 months. There had been seven public meetings, a citizens Focus Group, who they worked with and met with seven times during the process, and also met with the Planning Commission for various work sessions five times and met three times jointly with City Council and Planning Commission. He pointed out that any application that was before the City, submitted prior to the date the plan was adopted, would continue to be processed under the current plan. Once the plan was adopted, it would become effective and applications from that point forward would be reviewed using the new Comprehensive Plan. Mr. Herman stated the City Council must adopt the Master Plan as submitted by the Planning Commission, which was one of the reasons they had asked that the Planning Commission and City Council work closely together during the process. The City would begin updating Title 17 so that the zoning regulations and other development regulations were consistent with the Plan and could be used to implement it. He reminded the Commission that zoning took precedent over the Plan; the Plan was the policy guide, but zoning was the regulatory aspect of land use in the City.

Mr. Herman explained the plan was vision based and was tied very strongly to the findings of the Vision 2025 Strategic Plan. This was a primary vehicle for achieving the Vision 2025 Plan. The plan was based on ten guiding principles and those were strongly drawn from the Vision 2025 document. The land use plan consolidates some of the land use categories. They worked through a process that would allow more flexibility and not have to deal with so many narrow categories in the plan. The plan was more design based than the current Plan. There are a number of design principles that were contained in Chapter 5 that deal with mixed use neighborhoods, master planned community design concepts and transit oriented development, working very strongly with the findings of the North 5<sup>th</sup> Street Transit Supportive Plan. The Plan includes residential density criteria, which are in Chapter 5. They worked closely with the Commission and the Focus Group on developing criteria to be used as a means to determine allowable densities based on building and site design and on amenities. He emphasized the implementation of that aspect of the plan would require code amendments and the process of thinking about what those might be had already begun at the Staff level. The Plan included a number of specific planning areas to set the stage for future more focused planning in the City on a neighborhood level. There was an action plan, which was in Chapter 7, and detailed specific steps that needed

to be taken to implement the Plan. He explained they kept track of whether or not they were achieving the goals of the Plan on an on-going basis and to take a look at the big picture to determine if the City was being moved in the direction outlined by the Plan. Since the last joint meeting with Planning Commission and City Council, they had worked with the City's Economic Development Staff to fine tune some of the measures, to make sure they were achievable and could be tracked. They also developed a series of development review check lists that were contained in Chapter 9, to be used to touch back to the policies and the Plan, to see whether or not projects received were consistent with the objective of the Plan. Mr. Herman turned the Presentation over to Greg Dale of Clarion & Associates.

Greg Dale of Clarion & Associates explained this was a plan that embodied a long range vision for the community and they were pleased with the Plan. It embodied a lot of innovative and flexible approaches. The Plan included a future land use map and the community was encouraged to think beyond the colors on the map and think in terms of the long-range vision issues embodied in the Plan. He felt that was important, but also recognized that, at the end of the day, people would want to look at the colors on the map, which was to be expected. Property owners had every right to expect to have their say on that, which would be expressed. There were seven instances where property owners, developers, or builders, or representatives of property owners had looked at the map and looked at individual properties and had concluded that they would like to see something different proposed for those properties, other than what was shown on the map. Mr. Dale stated that, out of the thousands of parcels that were in the City, they were pleased that they were down to only seven parcels. He felt confident that the plan represented a good consensus of the community and a good solid land use pattern. The recommendations in the Plan were valid and well considered, but property owners had the right to expect to have their say over the use. He pointed out that Misty Haehn, Planning Manager was prepared to present a summary of the seven properties in question. It was the consultant's recommendation, that as the Commission considered the issues, that they consider the idea that there was a process set out for Master Plan Amendments and he believed the Plan could go forward as proposed and that any requests for amendments to the Plan be processed through the Master Plan review process. He suggested the Commission keep in mind that there was a process set out for that, which allowed full public input and his concern was, that entertaining changes to the map at this time, as part of a Comprehensive City wide macro level approach, would not do justice to the kind of process that would need to unfold for each of the requests. He explained each request was site specific, involved complicated issues of surrounding land uses and zoning patterns and were issues that other members of the public would be interested in and that was why he felt they should be considered as part of the Master Plan Amendment process. Mr. Dale turned the presentation over to Misty Haehn of the Planning & Zoning Department.

Misty Haehn, Planning Manager talked about the land use plan, stating the first request for a change to the land use map was a parcel located at the northwest corner of Centennial Parkway and Valley Drive, Parcel #124-30-510-004. She stated currently it was master planned and shown on the map as Commercial C-2; the applicant requested that it be multi-family, up to 25 units per acre. On the old Master Plan, it was identified as low density. The project had been before the Commission, and was continued and withdrawn at one time when they applied for high density residential due to neighborhood input. As mentioned earlier, this was one of the parcels the neighbors had some concern about, and was site specific and should be looked at through the process of coming before the Commission on an individual basis. The second parcel was located at the southeast corner of Lone Mountain Road and Losee Road, Parcel #139-01-101-019, 020 and 021. The parcels were left master planned Industrial, it was zoned Industrial and on the old master plan, it was also Industrial. The applicant proposed to bring in some retail commercial use and have it rezoned Neighborhood Commercial. A mini-storage facility was previously approved in the M-2 on that parcel. The third request was a parcel that was zoned Industrial and was located at Smiley Road and Lamb Boulevard. The applicant was requesting Resort commercial, which would allow a casino. It was Staff's position that it was master planned Industrial in the old Master Plan and that was continued in the new plan and would also preserve the industrial land within that area. The fourth request was a number of parcels, located between Valley Drive to the west, Sires Street to the East, Rosetta Way to the north and LaMadre Way to the south, which are R-E Ranch Estates. That area was left Ranch Estates and there were a number of large homes that were built on half acre lots. That area was left R-E and if that were changed, it should come before the Commission on an individual basis. The next request was two parcels with one applicant. The area was currently master planned Single Family Low, 14.5 acres, which would allow six dwelling units per acre and the applicant was requesting multi-family, 25 to 20 units per acre. On the old Master Plan, it was planned for Low Density, which would be 2 to 4.5 units per acre. There were in-fill parcels and there were a number a single family homes. Ms. Haehn stated she had received a letter from an HOA in the area requesting that the area remain single family dwellings. She stated there was another area that was designated mixed use commercial and the applicant requested that it be designated as Neighborhood Commercial without the mixed use. The last request was for property designated as Medium Density, which would allow up to 13 units per acre, which was what was also on the old Master Plan and the applicant was requesting to have it rezoned Multi-Family and adjacent to that there was a subdivision with single-family homes that were R-1.

Chairman Angelo Carvalho opened the Public Hearing. The following participants came forward:

- **Cherlynn Thomas, 4828 White Jade Street, North Las Vegas, NV 89081** stated she was on the Board of Directors of Golena Point Homeowners Association and served on the Vision 2025 Committee and participated in the Focus Group meeting

for the Comprehensive Plan and requested that the Commission approve the Plan as proposed, so the special requests could be addressed separately during the proper public process. She explained her home was the closest to the fifth request pointed out by Ms. Haehn, just east of North 5<sup>th</sup> Street on Lone Mountain Road. Everything in that area was single-family detached and with 14.5 acres with up to 25 units per acre, which was approximately 362 units, was more than what was preferred in the area.

- **Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of four different parcels previously outlined. The first parcel was on the northwest corner of Azure Avenue and North 5<sup>th</sup> Street. It was currently designated Mixed Use Commercial under the proposed Comprehensive Plan and the owner would like to see the designation changed to Neighborhood Commercial. The change was a less intense use. The property was 1.5 to 1.6 acres and surrounded by a PUD, R-3 zoning, and townhomes. In order for a Mixed Use Commercial project to work, it would have to provide some density, and on 1.5 acres, you would have to go vertical and in the interest of the neighborhood, going vertical would not be wanted.

The next request was on the southeast corner of Lone Mountain Road and Losee Road. It was currently designated Heavy Industrial under the Draft Comprehensive Plan and asked that it be redesignated to Neighborhood Commercial. He pointed out there was a trend already created for commercial, so he felt neighborhood commercial would be appropriate.

The next request was on the southeast corner of 215 and Valley Drive. That location was designated as Community Commercial and the owner was requesting that it be redesignated to Multi-Family. He indicated that Valley Drive would dead end at 215, which made that area to where it would not be viable for commercial as there would be no access from 215. The property was bordered to the south and the majority of the east by R-3 so Multi-Family would be a good transition.

The final request was at the southeast corner of Lamb Boulevard and Smiley Road. It was proposed heavy industrial under the Draft Comprehensive Plan and the owner was asking that it be redesignated as Resort Commercial. He pointed out the parcel was located off of I-15 and he believed Resort Commercial would be an appropriate use, considering I-15 would be the gateway to North Las Vegas. There were several parcels on the opposite side of I-15, which were designated for casino sites and he thought a casino site at that location was appropriate and provided the City with additional tax dollars and employment. He stated it was important to note that the intersection of Lamb and Smiley was going to be a major intersection with Lamb Boulevard crossing I-15.

Commissioner Jo Cato asked Mr. Celeste to go back to the map that showed the transition of the Multi-Family off of Valley Drive. She asked the zoning of the surrounding parcels. Mr. Celeste stated south and east were zoned R-3 and directly to the north was zoned MPC R-1 and a PUD wrapped around the R-3

Jory Stewart, Planning & Zoning Director pointed out that the presentation had made it clear that there was a misunderstanding between some basic concepts and she wanted to make sure it was clear to the Commission that what was being discussed was the Comprehensive Plan, a land use plan, not a zoning document. What was just presented to the Commission was in the context of a desired zoning, a specific use for a specific parcel. What was being presented was a Comprehensive Plan, a land use plan and a lot of what the applicant had requested could be accommodated within the designations of the land use plan through a zoning process but the zoning process required a different type of notification than a Comprehensive Plan process. Since the Comprehensive Plan was for the whole City, individual property owners were not notified. If there was a request for a zone change, notification would be sent to all surrounding property owners and give them the ability to come before the Commission and voice any concerns they had about the specific site. This process, however, does not get into that level of detail.

Mr. Celeste stated the reason he was here, was to participate in the land use plan and that down the road he did not want to be accused of missing his time to speak regarding the land use plan to try to have the properties included in the Plan, so he wanted it on the record that the changes were being requested.

- **Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of Focus Property Group at North 5<sup>th</sup> Street and Deer Springs Way and the other was Jack Binion on Losee Road and Centennial Parkway. She stated on the Draft Plan in those locations the property was showing as Mixed Use Commercial; however, in each instance there were either amendments to the Master Plan currently in the system to designate it as Regional Commercial or had already been designated as Regional Commercial and as pointed out by one of the consultants, that was because those were already in the system prior to the Plan being adopted, and the Plan would not impact them as they moved through the system with the existing applications. Ms. Lazovich stated when she read the document that went along with the colors on the map, they were Community Commercial but it did not break down within the document what actual zonings would be conforming to that land use category and that was very important. The property owners needed to know what would be considered conforming to the plan and what was not conforming to the plan. She requested that possibly they could work with Staff prior to the City Council hearing and come to an understanding of what the categories would be so there would be predictability that developers looked for and was important to have in the text of the land use plan. Ms. Lazovich stated three of the



requests made by her firm were requested through Staff early on in the process and two of the requests were new. Ms. Lazovich explained the comments were not designed to try to usurp requirements for neighborhood meetings, requirements to do amendments to the Master Plan, but after doing this for approximately nine years, there was some thought that when the land use plans came up, property owners, as well as neighbors, should be involved in the process and they did not want to be sitting back not having their comments made in terms of where the land use plan was in terms of the colors on the map and then be before the Commission right after adoption, with amendments to the Master Plan. She requested that the property south of the beltway between Revere Street and North 5<sup>th</sup> Street, adjacent to what was being proposed for Mixed Use Commercial and the piece she was talking about was on the map as yellow and she requested that it be changed to Multi-Family. It was currently on the Plan for Single-Family Medium. She explained the reason for the request was that, adjacent to Revere Street there was a commercial shopping center and they were told it was possibly a Wal Mart and there was some existing zoning for a mini storage facility, which was approved, there was some R-1 and toward North 5<sup>th</sup> Street there was a tri-plex development. North of the site was part of the Olympia, November 2005 Land Investors BLM parcel, that was brought before City Council on May 3, 2006. Their master plan for their land use category for that development agreement shows high density residential, up to 25 units per acre and another area was master planned for regional commercial. When looking at the area, and given there would likely be a heavy intense commercial use, she thought a better transition would be a multi-family designation. Ms. Lazovich indicated she was not asking for rezoning at this time.

- **Tony Farmanali, 6370 West Flamingo Road #40, Las Vegas, NV 89103** appeared regarding several parcels on North 5<sup>th</sup> Street and Lone Mountain Road and also on Verde Way and North 5<sup>th</sup> Street. In August, 2005, he approached the City of North Las Vegas to discuss some of the properties, when the North 5<sup>th</sup> corridor was being discussed. He had several meetings with Staff regarding his parcels and was told it was premature to discuss the parcels until there was conclusive information. He participated in approximately five of the public meetings and he had been given an old document dated August 29, 2005. After successive meetings with Staff, the vision became more clear, as to which direction the City would be going with the North 5<sup>th</sup> corridor. It was explained that two of his parcels were included as suburban neighborhood medium density, which was 12 to 20 units per acre and eight parcels on Lone Mountain and North 5<sup>th</sup> Street were similar suburban neighborhood medium density. He was given a document that explained what was required as to the site coverage. Approximately four weeks ago, there was a public meeting held at the North Las Vegas Library. After that time he was told he would have to bring his request to the Planning Commission. He explained there was a total of 15 acres on Lone Mountain Road and North 5<sup>th</sup> Street and 10 acres on

Verde Way and North 5<sup>th</sup> Street. The homes in the area were R-1 and the property was in the heart of it. He felt the property should not be left R-E when it was in an area that was predominately surrounded by R-1. He turned in a petition signed by eight homeowners who wanted higher densities.

Jory Stewart, Planning & Zoning Director stated, for the record, that zoning was not being discussed at this time. She indicated she and Ms. Haehn had a long phone conversation with Mr. Farmanali trying to explain the difference between a land use category and a zoning designation and the need to be able to look at the parcels in the context of the site and the surrounding land uses, not in the context of a land use plan and a very high level macro view of the area and that the appropriate time to request what he desired, was through a zoning process where surrounding land owners, that might have less dense single-family residential uses, would have an opportunity to comment on his request for higher density multi-family designation. She felt the information was confused or not understood and wanted to make it clear, for the record, that an attempt was made to differentiate between the objectives of establishing a Comprehensive Land Use Plan as opposed to specific site zoning.

- **Fred Waid, 6370 West Flamingo Road #40, Las Vegas, NV 8103** stated, in light of the comments by Staff and Mr. Farmanali, that Ms. Lazovich's remarks regarding the need for developers to express their concerns be incorporated into his comments. He understood the process, but wanted to be part of the process and reminded the Commission, in the proposed Master Plan, it spoke highly of working with developers and them being part of the process. The only comment he wanted to make was the uniqueness of the site at North 5<sup>th</sup> Street and Lone Mountain, given the proposed use, what they believed from Staff and others, would be the impact of the right-of-ways and the size of the impact of future improvements to the streets, would have a significant impact on the current land use, that it would be almost impossible to continue the existing use. He appreciated the Commission's cooperation and assistance in working with the developers and realizing the design impossibilities of some of the current land uses and that a need to examine those extensively in the future was certainly warranted.
- **Joe Dabrowski, 616 Barite Canyon Drive, North Las Vegas, NV 89081** stated he agreed with Ms. Stewart, that the idea of coming to the meeting to try to change a plan that was proposed, not be changed by last minute requests. The plan, as proposed should be approved by the Planning Commission and that any other zoning requests should go through the proper channels.
- **Jennifer Taylor, 4827 White Jade Street, North Las Vegas, NV 89081** stated she lived in the neighborhood of North 5<sup>th</sup> Street and Lone Mountain Road and agreed the Comprehensive Plan should be approved as proposed and any changes should

be made through the proper channels.

- **Boyd Bulloch, 821 E. Lone Mountain Road, North Las Vegas, NV 89081** stated he was in support of the changes on Losee Road.
- **Crystal Thiriot, 708 Barite Canyon Drive, North Las Vegas, NV 89081** stated she felt the Comprehensive Plan Should be approved as proposed and if there were any changes, they should go through the proper channels.

Chairman Carvalho closed the Public Hearing.

Mr. Dale explained there was a lot of involvement from property owners and developers in the process and there were a number of them on the Focus Group. There were significant opportunities for input, which was listened to.

Commissioner Jay Aston felt trying to make decisions on the individual parcels was difficult. The Plan had concepts that were taken into consideration by a previous focus group, Visioning 2025. He participated in the Focus Group and felt the Comprehensive Plan was just that, a plan, a direction, a goal for the City of North Las Vegas and individual parcels or property owners that did not agree with the Plan or the goal, should go through due process and present their concerns on an individual basis. Commissioner Aston asked Ms. Haehn about the land use categories being tied to zoning and whether or not there were some things that could be addressed on that issue before the Plan was presented to City Council.

Mr. Dale responded the master plan land use categories were consolidated. At that time, a great deal of time was spent making sure that in the consolidation there was nothing slipping through the cracks. In some cases two or three categories were combined to provide a broader definition and more flexibility. The same thing applied with zoning. If you look at the current plan, there was nothing in it that tied master plan categories to zoning districts. They were totally different. They looked at whether any of the categories slipped through the cracks because there was a zoning district that would not fit into one of the categories. With some of the broader categories, the zoning districts may need to be amended to provide for them in the upcoming Title 17 revision. Commissioner Aston asked if it was possible to have something prepared that gave the Council an idea of what the differences were. Mr. Dale stated they could say the land use category and master plan broadly encompassed the following districts. In some cases you might have certain districts that might fall into more than one master plan land use category because they were different animals. Commissioner Aston stated at one point during the meetings, it was discussed whether or not there was something from zoning that would be tied to the

land uses and at one point it was decided more flexibility was wanted in the Comprehensive Plan, but if there was something as far as a direction on the zoning for City Council, it would be good. Mr. Dale indicated that could be done.

Ms. Stewart added that Nevada had a very unique situation, especially in Southern Nevada, that land use plans and zoning documents were very difficult to tell from one another and it wasn't something she was used to because she was used to a very generalized land use plan that, within the context of a land use designation, there were options and the options were narrowed down as you got into site planning and development plan review and that was where the zoning regulations and design guidelines were applied. If kept at a higher level, you maintained a flexibility within the land use plan that, when you got parcel based, was taken away. It was interesting to hear applicants come forward and be asking for the specificity to be put back into the land use plan, which was actually taking away the flexibility that was trying to be built into the Plan. They were happy to provide the examples of zoning categories that could be considered within the context of the land use categories. They do not want to necessarily restrain it to just that, because what they were trying to get at was a vision that would be reflected in the land use plan. The land use plan was a bit of a hybrid, because they were starting to make the transition from being very specific and very parcel based and quasi zoning to less specific, more flexible but within the context of a quality environment that was promoting a quality of life and uses that were compatible with each other that support residential or commercial that supports residential, those types of things that give a community where people can live, work and play in which can be done, but they were trying to maintain the flexibility in the land use plan and provide parameters in order for Staff to do good quality planning.

Mr. Herman assured the Commission that they worked not only with Ms. Haehn and her Staff but also met with Marc Jordan, Planning Manager, Robert Eastman, Principal Planner, and the Planners because they wanted to make sure that in consolidating, they were not going to create a problem.

Commissioner Steve Brown stated he agreed with Commissioner Aston and added he felt that, although the people who own the parcels presented, wanted to see a change, he agreed with Staff that there should be no changes on the Land Use Map, because no changes were created with the Master Plan and supported the Comprehensive Plan as presented.

Commissioner Dean Leavitt believed all of the requests presented were zoning issues that could be rectified when the developers brought their applications forward and each request would be heard on its own merits and did not feel this was the time or place to make the

requested changes to the Comprehensive Plan and he appreciated the work done by Clarion & Associates, who did more than their due diligence in preparing the Plan and was in support of the Plan.

**ACTION:** APPROVED DRAFT OF COMPREHENSIVE PLAN DATED SEPTEMBER 27, 2006, INCLUDING EXHIBIT 4-1; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Brown

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

**NAYS:** None

**ABSTAIN:** None

**2. UN-100-06 (27214) EL BUEN PASTOR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOSE G. MELCHOR ON BEHALF OF CASEY REAL ESTATE HOLDINGS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 2267 W. GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-08-701-026.**

The application was presented by Terence Capers, Planner who stated the church was proposed to be located in the building along the western property line. According to the submitted documents, the applicant had not indicated the size of the sanctuary of the church, although the square footage of the warehousing space appeared to be approximately 4,893 square feet. The applicant indicated in the letter of intent that there was approximately 75 members in the congregation and the church was having to provide one parking space for every four seats. With 75 possible members, 19 parking spaces would be required for the church. With the whole industrial site and the square footage provided, 14 parking spaces have been required and provided on the site. Overall, the church and the warehousing uses, together, if approved require 38 parking spaces; therefore there would be an insufficient number of parking spaces. While churches have been approved in M-2, the Code requires that the site comply with the Commercial Development Standards and Design Guidelines. The proposed site does not comply and it was Staff's contention that the church was not desirable at this particular location and would not be compatible with the surrounding and existing industrial uses; therefore, Staff recommends that UN-100-06 be denied. Should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
2. That UN-100-06 is site-specific and non-transferable.
3. Thirty-eight (38) off-street parking spaces must be provided.

**Angelica Endicott, 8412 Viceroy Lane, Las Vegas, NV** stated when the church was first opened, they did not know it was not zoned for a church and asked for approval.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Dilip Trivedi asked Staff if, in the Zoning Ordinance, there was a public facility zoning. Jory Stewart, Planning & Zoning Director responded public facilities were for things like fire stations, community centers, etc. and explained churches were not restricted just to public facilities, they have been more lenient with churches and allowed them in residential zones and in some cases in a manufacturing zone with a use permit, if the appropriate support structure was there. If they were just in a public facility area, it would be more restrictive than what was currently allowed for churches, which was residential, commercial and manufacturing with a special use permit. Commissioner Trivedi asked if there was a specific zone where churches were allowed. Ms. Stewart responded there was a myriad of zones where churches could be put as special uses. She explained churches were considered special uses in order to allow them to be located in more places, rather than fewer places. In an R-1 District, they were still considered with a special use permit because, depending on the size of the church, there might be a lessor or greater impact on the surrounding area. Some churches were very large and had an array of uses that made them more commercial in nature in terms of the amount of traffic generated and then there might be a small parish that was suitable for a residential neighborhood and that was why they were looked at individually as a use permit to evaluate them having an adverse impact on the surrounding properties. Commissioner Trivedi asked if the main opposition on this application was due to lack of parking. Ms. Stewart responded that was correct, the property was originally developed as an industrial complex and the parking requirements for an industrial complex were less than what was required in a retail commercial area. In some instances, churches had been allowed in an industrial complex that had sufficient parking to accommodate the church, but the proposed site had constrained parking.

Commissioner Jo Cato asked the applicant if the church was operational at the proposed location. Ms. Endicott responded the church operated at that location for two years. Commissioner Cato asked if the church was currently closed. Ms. Endicott responded it had been closed for one month. Ms. Endicott indicated there was two classrooms and two restrooms.

Commissioner Trivedi asked the applicant if they had parking problems during the time they were opened. Ms. Endicott responded they did not, because their services were in the evening and the other businesses in the complex were opened during the day. She stated they had a Sunday service from 10:30 a.m. to 12:30 p.m.

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

**MOTION:** Commissioner Cato

**SECOND:** Commissioner Leavitt

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

NAYS: None  
ABSTAIN: None

Mr. Jordan recommended the Commission reconsider Item No. 2, UN-100-06 so condition No. 3 could be amended to read the same as Condition No. 3 in Item No. 3.

A motion was made to re-open Item No. 2, UN-100-06.

ACTION: UN-100-06 RE-OPENED FOR RECONSIDERATION

MOTION: Commissioner Cato  
SECOND: Commissioner Leavitt  
AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi  
NAYS: None  
ABSTAIN: None

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

3. A MINIMUM 38 OFF-STREET PARKING SPACES SHALL BE PROVIDED UNLESS A REDUCTION IN PARKING IS SUPPORTED BY A PARKING STUDY, REVIEWED AND APPROVED BY THE CITY TRAFFIC ENGINEER.

MOTION: Commissioner Cato  
SECOND: Commissioner Leavitt  
AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt, Shull, Cato, and Trivedi  
NAYS: None  
ABSTAIN: None

Mr. Jordan explained the way the condition was currently worded, with a minimum 38 parking spaces and with an approval, basically the concern was that the 38 parking spaces would never allow a church to be operated at that location because the requirement could not be met. So, by amending Condition No. 3 and allowing a parking study, it would give the City an opportunity to review the parking study, showing the difference between the day and night uses and the weekend and weekday uses so the applicant would not have to come up their own 38 parking spaces, but could use the center's parking spaces because there should be 38 spaces in the center because there was not a conflict in the uses.

**Item No. 4 was heard next.**



3. **UN-101-06 (27209) CRAIG LOSEE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY UNITED IMPORT FURNITURE ON BEHALF OF VERNALIS ENTERPRISES INC., PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A RETAIL FURNITURE STORE. THE PROPERTY IS LOCATED AT 2575 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-007.**

The application was presented by Terence Capers, Planner who stated, according to the Letter of Intent, a furniture store was previously at this location but had closed. The proposed use would be a furniture store in Suite Nos. H, I, J, & K, which was different than the previous location. With the industrial center and a proposed retail store, approximately 129 parking spaces were required and 113 spaces were provided. Staff had concerns with the retail uses proposed in the industrial site, as the site was designed for parking for industrial uses; therefore, Staff was recommending denial of UN-101-06. Should the Commission determine approval was warranted, the following conditions were recommended:

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. A minimum 129 parking spaces shall be provided.
4. That all loading and unloading of merchandise take place at the rear of the building. Retail purchases may be carried out the front door.
5. That outdoor displays shall be prohibited.

**Yvette Major of Vernalis Enterprises** stated the Center was the Craig Losee Center and the furniture store was previously located at the center prior to Vernalis Enterprises taking over. Previously, the store used 800 square feet and the size now was much smaller. Store moved from this location a couple of years ago due to construction on Craig Road and the fact that another building was built that the view at the location they were leasing. Since that time, other units had become available that made the location more visible to the street. There had been two other special use permits approved at this location last month. Even though the center was zoned M-2, 100 percent of the tenants were office and retail. Two previous special use permits were approved contingent on obtaining a traffic study. Based on the fact the flower shop was mainly an internet business and the other use was a church that was an existing tenant who was expanding and one of the contingencies for that approval, was that the hours of operation would be limited and a traffic study would be

done, they held off getting the traffic study, because they were waiting for the proposed use permit application to be heard because if a traffic study was needed, they wanted to have it done once and if the proposed use permit was approved, the center would have 100 percent occupancy.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Robert Eastman, Principal Planner stated if the Commission desired approval, Condition No. 3 needed to be amended to read: A minimum 129 parking spaces shall be provided unless a reduction in parking was supported by a parking study, reviewed and approved by the City Traffic Engineer.”

Commissioner Leavitt asked the applicant if she agreed to the amendment to Condition No. 3. Ms. Major stated she agreed with the amendment to Condition No. 3.

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

3. A MINIMUM 129 PARKING SPACES SHALL BE PROVIDED  
UNLESS A REDUCTION IN PARKING IS SUPPORTED BY A  
PARKING STUDY, REVIEWED AND APPROVED BY THE CITY  
TRAFFIC ENGINEER.

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

**Item No. 2 was reopened**

4. **UN-99-06 (27189) DON TILE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ELINA GUIZAR ON BEHALF OF CLOUD 2000 INC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A RETAIL TILE STORE. THE PROPERTY IS LOCATED AT 3336 LOSEE ROAD, SUITES 15 AND 16. THE ASSESSOR'S PARCEL NUMBER IS 139-11-801-006.**

The application was presented by Terence Capers, Planner who stated the application was for a retail store located in an industrial site, which was surrounded by M-2 Zoning Districts. In the Letter of Intent, the applicant indicated the proposed retail uses would include retail sales, customer service and delivery and installation of stored materials and the business would also bring vehicles and pedestrian traffic to the site and because the building was designed to industrial guidelines, approval of a special use permit was required. The Commercial Development Standards and Design Guidelines ensured that such accommodations for pedestrian and vehicle circulation, as well as parking, would support the retail use. According to the North Las Vegas Comprehensive Plan, retail uses should be avoided in industrial areas. Currently, the industrial site has provided 40 parking spaces, with the addition of the retail store, the required parking spaces would increase to 44; therefore, the industrial center would be deficient of the required parking spaces. The Planning & Zoning Department recommends that UN-99-06 be denied as the site does not provide ample parking, the proposed use as a retail store does not provide services to support the surrounding industrial district and the Comprehensive Plan does not support the retail use in an Industrial District. Should the Commission determine approval was warranted, the following conditions were recommended:

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-99-06 is site-specific and non-transferable.
3. That any expansions to the proposed use shall be subject to Planning Commission review and approval.
4. A minimum of 45 parking spaces be provided.

**Elina Guizar, 3336 Losee Road Suite 15 and 16, North Las Vegas, NV** had trouble understanding Staff's recommendation in the Staff Report and asked why denial was being recommended. It was indicated denial was recommended due to there not being adequate parking.

Ms. Guizar stated they did not have a lot of walk-in traffic because it was a tile store. They had one to three customers per day.

Commissioner Angelo Carvalho asked the average customer base at any one time. Ms. Guizar responded, possibly two customer at any one time.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Dean Leavitt asked if there were other special use permits granted in the industrial center. Robert Eastman, Principal Planner responded previously, at the corner of Craig Road and Losee Road, the industrial center had quite a few special use permits for commercial uses. This center was similar, but a much smaller site, in that the building was built under the Industrial Design Guidelines and was not intended for commercial use. This is a newer building, a much smaller site that does not currently have any commercial uses, with one exception, which is that there is a Port of Subs Restaurant in that center, which received a use permit when the site plan review was approved. The building was an industrial building, which contained roll-up doors facing Losee Road and did not have the buffering or the building articulation that would normally be required with a commercial building; therefore, it does not meet the parking for commercial use and does not meet the Commercial Design Guidelines as a use permit would normally require in an industrial area.

Commissioner Steve Brown stated a tile and flooring store was probably the only type of use he would support as a commercial use in the area, but also found there was a good example on Craig Road where commercial uses were allowed in an industrial area, and now the entire industrial complex was commercial uses. If that trend was continued, the City would be short changed, because all of the industrial land would be used for commercial uses and for that reason, he would not support the application.

Commissioner Jay Aston stated tile stores in other parts of the valley were in industrial parks and asked the applicant how much of the space would be for storage. Ms. Guizar responded the entire space was for a showroom. Commissioner Aston asked where customers would pick of the tile. Ms. Guizar responded the storage was off-site.

Chairman Carvalho stated he did not have a problem with the use, as he had gone to numerous tile stores in the valley and there was not more than two or three customers.

Commissioner Leavitt asked Staff if the Commission were to consider approval, if one of the conditions needed to be amended.

Mr. Eastman stated Condition No. 4 would be amended to read: "A minimum of 44 parking spaces shall be provided, unless a reduction in parking is supported by a traffic study, reviewed and approved by the City Traffic Engineer."

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 4 AMENDED TO READ:

4. A MINIMUM OF 44 PARKING SPACES SHALL BE PROVIDED  
UNLESS A REDUCTION IN PARKING IS SUPPORTED BY A  
TRAFFIC STUDY, REVIEWED AND APPROVED BY THE CITY  
TRAFFIC ENGINEER.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Shull

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

**NAYS:** Vice-Chairman Brown

**ABSTAIN:** None

**5. UN-102-06 (27217) LOSEE PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF ANN / LOSEE PAD, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT (DRIVE-THROUGH). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-802-009.**

The application was presented by Marc Jordan, Planning Manager who stated there was previously an amendment to the PUD that removed a tavern that had been approved, and replaced it with a convenience store and the amendment went forward and was approved by City Council. With that amendment, there was a condition that was addressed regarding driveway access on Ann Road. Staff originally recommended continuance of the application regarding the driveway access, but, since that issue has been resolved, Staff was recommending approval of UN-102-06 with the following changes to the conditions. Condition No. 2 would be amended to read: "Must comply with all the conditions of approval for ZN-35-03 and UN-62-06," and Condition Nos. 5 through 17 would be deleted, as those were already stated in the PUD. The original recommended conditions are as follows:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Must comply with all of the conditions of approval for ZN-35-03.
3. If the amendment to ZN-35-03 is not approved, this use permit is null and void.
4. That this use permit shall be site specific
5. Must comply with the Commercial Development Standards and Design Guidelines, including but not limited to:
  - a. That the perimeter landscaping areas shall be at least 25 feet in width from back of curb to perimeter walls or buildings including sidewalks;
  - b. A perimeter wall shall be constructed on the property line between a commercial development which abuts a residential development.
6. Right-of-way dedication and construction of a flared intersection, including a right turn lane, is required at Losee Road and Ann Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.

7. Approval of a traffic study with queuing analysis is required prior to submittal of the civil improvement plans.
8. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road and Losee Road.
9. 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. Losee Road
  - b. Ann Road
10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
11. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
12. Driveway on Ann Road does not meet standards and must be removed.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. 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. 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.
16. 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.
17. 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.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she concurred with Staff recommendation, including the amendments as read into the record.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NOS. 5 THROUGH 17 DELETED AND CONDITION NO. 2  
AMENDED TO READ:

2. MUST COMPLY WITH ALL OF THE CONDITIONS OF APPROVAL  
FOR ZN-35-03 AND UN-62-06.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

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



6. **VN-22-06 (27144) PROJECT #1552 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT ON BEHALF OF THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, FOR A VARIANCE IN AN R-E RANCH ESTATES DISTRICT TO ALLOW A 40-FOOT SETBACK ON THE EAST PROPERTY LINE AND A 30-FOOT SETBACK ON THE NORTH PROPERTY LINE WHERE 50-FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-801-001 AND 124-26-801-003.**

It was requested by the applicant to continue VN-22-06 to October 11, 2006.

Chairman Angelo Carvalho opened the Public Hearing. The following person filled out a card but did not speak:

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081**

The Public Hearing was left open.

ACTION: CONTINUED TO OCTOBER 11, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

7. **UN-92-06 (26809) PROJECT #1552 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT ON BEHALF OF THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT TO ALLOW AN ELEMENTARY SCHOOL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF EL CAMPO GRANDE AVENUE AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-801-001 AND 124-26-801-003.**

It was requested by the applicant to continue UN-92-06 to October 11, 2006.

Chairman Angelo Carvalho opened the Public Hearing. The following person filled out a card but did not speak:

- **Scott Sauer, 5629 Midnight Breeze Street, North Las Vegas, NV 89081**

The Public Hearing was left open.

ACTION: CONTINUED TO OCTOBER 11, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 9 was heard next.**

**8. UN-103-06 (27216) RAPID CASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RAPID CASH DBA FMMR INVESTMENT INC. ON BEHALF OF HEON JAE AND JEONS MI, LLC, PROPERTY OWNERS, FOR A USE PERMIT IN AN R-A/CR REDEVELOPMENT AREA / COMMERCIAL RETAIL SUBDISTRICT TO ALLOW A FACILITY CONSISTING OF DEFERRED DEPOSIT LOANS, SHORT-TERM LOANS, AND AUTO LOANS. THE PROPERTY IS LOCATED AT 801 EAST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-201-014.**

The application was presented by Terence Capers, Planner who stated the proposed site was zoned R-A Redevelopment Area/CR Commercial Retail Subdistrict. The existing building was built in 1957 and was approximately 872 square feet. With the size of this use, five additional parking spaces would be required. The existing development has a total of 37 parking spaces, with the uses including a convenience store, church and a convenience food restaurant. The site would be deficient 11 parking spaces and in addition to being short of parking, the requirement for approval of the special use permit had four criteria. Three of the four had not been met. The first was whether or not the location was necessary or desirable to provide service or facilities, which would contribute to the general well being of the neighborhood or the community. There are currently 18 non-financial institutions in that area, 17 in the Redevelopment area. Staff believes that a new deposit loan, short-term loan or auto title loan facility was not necessary or desirable in the Redevelopment area. The second criteria not satisfied was whether the use would not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare. Staff believes that the proposed deferred deposit loan would be detrimental to the health, safety and general welfare of the people residing and working in the vicinity because there were already 18 existing non-banking financial facilities in the downtown district and the proposed facility was not required or desirable to the community. The last criteria not met was, the granting of this special use permit would not adversely affect the master plan of the City. Some of the objectives include elimination of environmental deficiencies, blight, improved pedestrian and vehicular circulation. The subject property does not comply with any of the current public improvements and development standards required by the Zoning Ordinance. The Planning & Zoning Department recommends that UN-103-06 be denied. Should the Commission determine approval was warranted, the following conditions are recommended:

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. A total of a minimum 490 parking spaces shall be provided for the development unless a reduction in parking is supported by a parking study, reviewed and approved by the City of North Las Vegas Traffic Engineer.

**Paula Saponaro, 856 East Sahara Avenue, Suite 201, Las Vegas, NV 89104** appeared on behalf of the applicant stating she had a new site plan and had an engineer do a study the afternoon of the meeting. The initial site plan did not represent 15 feet on the north side of the parcel and she was providing on the new site plan, that the site could accommodate. There are 46 parking spaces shown, two of them for handicapped parking and pointed out that one of the tenants in the area was a church who had services on Sunday at 10:00 a.m., and 6:30 p.m., a youth group at 7:00 p.m. on Wednesday and a Friday service at 7:00 p.m. She stated the 1,000 foot separation for both the City and the County, for title requirement was meant to assure there was not an over-saturation of businesses within a given area. Her client met the 1,000 foot separation for commercial and they more than met the 200 foot residential separation. Her client had done the studies for the area, which show there was a need for that type of establishment.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Jay Aston stated, in looking at the criteria for approval of a special use permit, all of the following criteria need to be satisfied, he was in agreement with Staff that three out of the four were not satisfied and the application would go before the Redevelopment Agency for final consideration, so he agreed with Staff that the application should be denied.

Commissioner Harry Shull stated he concurred with Commissioner Aston.

**ACTION: DENIED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION**

**MOTION: Commissioner Shull**

**SECOND: Commissioner Aston**

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

**NAYS: None**

**ABSTAIN: None**

**Item No. 10 was heard next.**

9. **UN-124-04 (27108) FOURSQUARE CHURCH-NLV (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS FOUR SQUARE CHURCH ON BEHALF OF THE BOYER 1992 IRREVOCABLE TRUST, PROPERTY OWNER, FOR A USE PERMIT IN AN R-E RANCH ESTATES DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF DONNA STREET AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-302-001, 124-35-302-002 AND 124-35-301-003.**

It was requested by the applicant to continue UN-124-04 to October 25, 2006.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

The Public Hearing was left open.

ACTION: CONTINUED TO OCTOBER 25, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

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

10. **ZN-50-06 (27180) SLOAN & ANN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAVID FREAR ON BEHALF OF FLAMINGO PARADISE PARTNERS, LLC AND BORETA VASO 2000, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN O-L OPEN LAND DISTRICT TO AN M-2 GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LINN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-801-002.**

The application was presented by Robert Eastman, Principal Planner who stated the requested zone change was in current compliance with the Comprehensive Plan; therefore, Staff was recommending ZN-50-06 be approved and forwarded to City Council for final consideration.

**Bill Wakefield, 3321 North Buffalo, Suite 200, Las Vegas, NV 89129** appeared on behalf of the applicant stating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

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

11. **SPR-37-06 (27219) NORTH MESA PLAZA. AN APPLICATION SUBMITTED BY ROBERT SHIELDS ON BEHALF OF RETAIL CENTER PARTNERS, LTD, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW AN ADDITIONAL 70,353 SQUARE FEET IN A RETAIL COMMERCIAL SHOPPING CENTER. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND CLAYTON STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-04-312-001.**

It was requested by the applicant to continue SPR-37-06 to October 11, 2006.

ACTION: CONTINUED TO OCTOBER 11, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

**Item No. 15 was heard next.**

**12. FDP-11-06 (27194) ANN/LOSEE 45 NO. 3. AN APPLICATION SUBMITTED BY PARDEE HOMES NEVADA, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT FOR 37 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-002.**

The application was presented by Robert Eastman, Principal Planner who stated the item was previously a PUD which was approved under ZN-36-06. In general, it was in conformance with the approved PUD and was in conformance with the Design Standards; therefore, Staff was recommending approval of FDP-11-06 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That the final development plan shall comply with all conditions of approval of ZN-36-06, T-1258; the Planned Unit Development zoning requirements.
3. Shall comply with the Single-Family Design Guidelines, including but not limited to:
  - a. Shall provide corner landscaping for Lots 29 and 31.
  - b. Shall provide landscaping in the median of Ann Road.
4. The following amenities shall be provided within the open space areas:
  - a. Circuitous lighted paths
  - b. A minimum of 20 24-inch box trees per acres
  - c. An age appropriate play structure for children with EPDM resilient fall protection and an accompanying shade ramada
  - d. At least one large open space area for group/organized play
  - e. One large group shade area/lighted gazebo
  - f. Picnic table and barbecue grill
  - g. Dog stations
  - h. ADA accessibility
5. Permits are required for all structures except as exempted by the CNLV Municipal Code, Building Administrative Code Section 15.72.140.B & C.
6. Construction of the Developed Open Space is to be started no later than the issuance of the 10<sup>th</sup> building permit, and completed upon the issuance of the 25<sup>th</sup> building permit.



**Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she concurred with Staff recommendation except for Condition No. 3.b and asked that it be deleted. She explained previous projects along Ann Road had been approved without landscaping in the medians and the subdivision approved just to the west also did not have a condition to put landscaping in the median along Ann Road. There had been a precedent set that no landscaping had gone in any of the medians thus far.

Ms. Lazovich asked if the motion for approval included the deletion of Condition No. 3.b. Commissioner Shull responded it did not. Ms. Lazovich asked that the Commission entertain a revised condition.

Commissioner Shull asked Ms. Lazovich what the amendment would be. Ms. Lazovich stated the reason for the revised condition was that there was nothing in the Ordinance that shows the landscaping in the medians. She asked that Condition No. 3.b be amended to read: "Shall provide landscaping in the median of Ann Road. Landscaping shall be maintained by North Las Vegas and payment for irrigation meter and all utilities shall be paid by North Las Vegas. North Las Vegas shall assume maintenance responsibilities within 60 days of landscaping installation." She explained, since the ordinance which reference putting in landscaping was silent, she did not feel it was equitable to have the developer maintain it for an inordinate period of time. She also felt since it was a City requirement, that the metering for it, as well as the payment for the utilities to keep up with it, should be borne by North Las Vegas, but the developer would actually be installing the landscaping, which was the extent of what the ordinance stated.

Commissioner Harry Shull stated the request sounded reasonable but asked Staff for comment.

Jennifer Doody of Public Works explained that what was presently required on the Civil plans was that the developer was the one who provided the meter, the landscaping, and all irrigation to the median. The Parks Department reviews them and then accepts the maintenance of the median. The City does not pay for the meter, but does pay for the water after it is approved. Ms. Lazovich stated she understood that was just a policy, because it was not set forth in the ordinance.

Marc Jordan, Planning Manager stated they were working on an amendment to the Condition.

There was a break in proceedings at 8:10 p.m. to allow Staff to work with the applicant on the amendment to Condition No. 3.b.

The meeting reconvened at 8:20 p.m.

Ms. Lazovich stated after working with Staff, the re-wording of Condition No. 3.b would read: "Shall provide landscaping in the median of Ann Road. Landscaping shall be maintained by North Las Vegas, including payment of utilities. North Las Vegas shall assume maintenance responsibilities within 60 days of landscaping installation and acceptance by the Parks Department." Ms. Lazovich stated if Pardee had a problem with the amendment, an appeal would be filed.

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

3.B. SHALL PROVIDE LANDSCAPING IN THE MEDIAN OF ANN ROAD.  
LANDSCAPING SHALL BE MAINTAINED BY NORTH LAS VEGAS,  
INCLUDING PAYMENT OF UTILITIES. NORTH LAS VEGAS SHALL  
ASSUME MAINTENANCE RESPONSIBILITIES WITHIN 60 DAYS OF  
LANDSCAPING INSTALLATION AND ACCEPTANCE BY THE  
PARKS DEPARTMENT.

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Leavitt

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

**NAYS:** None

**ABSTAIN:** None

**13. FDP-12-06 (27196) ANN/LOSEE 45 NO. 4. AN APPLICATION SUBMITTED BY PARDEE HOMES NEVADA, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT FOR 57 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAMMER LANE AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-35-501-011.**

The application was presented by Robert Eastman, Principal Planner who stated the site was previously approved as a PUD with ZN-36-06 and contained 57 single-family homes and also is in general compliance with the approved PUD and the Residential Design Standards; therefore Staff was recommending approval subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That the final development plan shall comply with all conditions of approval of ZN-35-06, T-1257; the Planned Unit Development zoning requirements; and the Single-Family Design Standards.
3. The following amenities shall be provided within the open space areas:
  - a. Circuitous lighted paths
  - b. A minimum of 20 24-inch box trees per acres
  - c. An age appropriate play structure for children with EPDM resilient fall protection and an accompanying shade ramada
  - d. At least one large open space area for group/organized play
  - e. One large group shade area/lighted gazebo
  - f. Picnic table and barbecue grill
  - g. Dog stations
  - h. ADA accessibility
4. Permits are required for all structures except as exempted by the CNLV Municipal Code, Building Administrative Code Section 15.72.140.B & C.
5. Construction of the Developed Open Space is to be started no later than the issuance of the 15<sup>th</sup> building permit, and completed upon the issuance of the 45<sup>th</sup> building permit.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull  
SECOND: Commissioner Leavitt  
AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt,  
Shull, Cato, and Trivedi  
NAYS: None  
ABSTAIN: None

14. **T-1128 (27504) TROPICAL SANDS. AN APPLICATION SUBMITTED BY R.L. HOMES, LLC ON BEHALF OF AMIATA, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR AN APPROVED TENTATIVE MAP IN A PUD PLANNED UNIT DEVELOPMENT CONSISTING OF 21 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-202-005.**

The application was presented by Marc Jordan, Planning Manager who stated there was currently a final development plan that had been reviewed and approved by the Commission and the final map was submitted and was in the process of being recorded at this time; therefore, Staff had no objections and was recommending approval of T-1128 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. That the development shall comply with all conditions of approval for ZN-89-04.

**Rebecca DeWitt, 6655 South Cimarron, Las Vegas, NV 89113** appeared on behalf of the applicant stating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

**Item No. 16 was heard next.**

**OLD BUSINESS**

15. **T-1266 (26115) GOWAN & COMMERCE AN APPLICATION SUBMITTED BY CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO ALLOW 121 TOWNHOUSE UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-10-201-009. (CONTINUED JUNE 28, JULY 26, AND AUGUST 23, 2006)**

Commissioner Harry Shull abstained, as his company was the applicant.

It was requested by the applicant to continue T-1266 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: Commissioner Shull

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

**16. VAC-23-05 (27032) CRAIG ROAD CONDOMINIUMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PUEBLOS PARTNERS INC., PROPERTY OWNER, FOR AN AMENDMENT TO CONDITION #2 OF THE PREVIOUSLY APPROVED VACATION REQUEST LOCATED WITHIN THE VANDENBERG DRIVE RIGHT-OF-WAY FROM CRAIG ROAD AND PROCEEDING SOUTH APPROXIMATELY 572 LINEAL FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-601-006 AND 140-06-701-028. (CONTINUED SEPTEMBER 13, 2006)**

The application was presented by Terence Capers, Planner who stated the applicant had met with the Public Works and Utilities Departments and both departments have changed their recommendation to approval based on an amended condition and two additional conditions. The Utilities Department was allowing Condition No. 2 to be removed and replaced with a new conditions which would allow for a proper sewer stub connection for adjacent properties. The Public Works Department recommended approval and a reduction of the width of the drainage easement to 20 feet and to an agreement between the applicant and the department for providing the trench drain. Staff was recommending approval of VAC-23-06 subject to the following four conditions as shown in Revised Memo dated September 27, 2006:

1. An emergency access easement design approved by the Fire Department shall be installed to provide emergency access from Craig Road to Macadamia Nut Drive.
2. Craig Road Condominiums must provide a public sewer stub to the property located to the west (APN 140-06-713-003).
3. The portion of the required drainage easement, west of the centerline of the drainage facility, may be reduced to twenty (20) feet as shown on the detail provided by the applicant's engineer.
4. Prior to approval of the civil improvement plans, the developer shall provide to the city a trench box 10' H x 15' W x 20' L. City staff responsible for the maintenance of the subject drainage facility will choose the make, model and supplier of the trench box.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant stating he concurred with Staff recommendation.

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

MOTION: Commissioner Leavitt  
SECOND: Commissioner Brown  
AYES: Chairman Carvalho, Vice-Chairman Brown, Commissioners Aston, Leavitt,  
Shull, Cato, and Trivedi  
NAYS: None  
ABSTAIN: None

**Item No. 19 was heard next.**



17. **UN-98-06 (27066) APPLIANCE SERVICE CENTRAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MICHAEL BAUTISTA, ON BEHALF OF 3853, LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN APPLIANCE SALES AND SERVICE FACILITY IN A NON-COMMERCIAL BUILDING. THE PROPERTY IS LOCATED AT 3873 E. CRAIG ROAD, UNIT #7. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-032. (CONTINUED SEPTEMBER 13, 2006)**

It was requested by the applicant to withdraw UN-98-06.

ACTION: WITHDRAWN

18. **SPR-24-06 (25657) CENTENNIAL & PECOS. AN APPLICATION SUBMITTED BY JADE ENTERPRISES ON BEHALF OF SUNRISE ADVISORS, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE STORE WITH GAS, A MAJOR DRUG STORE, AND SECOND STORY OFFICE SPACE, TOTALING 78,200 SQUARE FEET. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF PECOS ROAD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-24-801-008. (CONTINUED MAY 24, JUNE 14, JULY 12, AUGUST 23, AND SEPTEMBER 13, 2006)**

It was requested by the applicant to continue SPR-24-06 to October 25, 2006.

ACTION: CONTINUED TO OCTOBER 25, 2006

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

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

19. **AMP-39-06 (26703) NORTHGATE PHASE II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB, LLC, ET AL, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF INDUSTRIAL TO REGIONAL COMMERCIAL. THE PROPERTY IS GENERALLY LOCATED SOUTH OF TROPICAL PARKWAY AND APPROXIMATELY 300 FEET EAST OF MARION DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-701-002, 123-29-701-003, 123-29-701-004, 123-29-701-005 AND 123-29-601-023. (CONTINUED AUGUST 9 AND 23, AND SEPTEMBER 13, 2006)**

The application was presented by Terence Capers, Planner who stated the subject site was a stand alone grouping of five parcels, adjacent to the west was a seven acre industrial site currently being used for outdoor storage; across Tropical Parkway to the north was a 95 acre Union Pacific Railroad freight yard and some smaller undeveloped parcels and adjacent to the south was the I-15 right-of-way. For approval of the master plan, certain guidelines were asked to be met. Regional commercial areas should only occur at intersections of two 100 foot arterial streets or greater with convenient access to either Interstate 15 or the beltway. The subject site did not meet that condition and was located on a 60 foot right-of-way adjacent to the subject site. Regional commercial areas should be 20 acres and the subject site was 19.09 acres in size and in long-term, the health of the community relied on a balanced mix of land uses and more diversified economy. One of the features that attracts wholesalers and distribution centers to North Las Vegas was convenient access to the Interstate Highway by amending the land use from Industrial to Regional Commercial, and if you took away the opportunity for those types of companies to come to North Las Vegas, it was conceivable that the site could be developed under the Industrial Development Standards and Design Guidelines and become a viable and attractive contributor to the long-term fiscal economy of North Las Vegas. Based on those standards, the Planning and Zoning Department recommended that AMP-39-06 be denied.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 and Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant. Mr. Garcia stated City Council approved Phase I of the Northgate project, which was 120 acres to the west of the proposed site. With the approval, Council reestablished the desire for the area to become a major gateway of regional commercial and the proposed project was a continuation of that intent and what was most appropriate and would create plenty of value and jobs in the area.

Chairman Angelo Carvalho opened the Public Hearing. The following participant came forward:

- **Susan Johnson of Ballard, Spar, Andrews and Ingersoll, 300 South 4<sup>th</sup> Street, Las Vegas, NV 89101** stated she was not taking a position on the request; however, as her partner, Bill Curran, represented to the Commission in August, 2006, when there was a companion item to the current application, they had a significant objection to the expansion of the Gaming Enterprise District and that was clearly where the application was headed, that a casino was being planned. This was not the time to object, but she was concerned that the Commission not look at this as it had been incrementalized as a train that could not be stopped. There was no problem with the Regional Commercial Zone, but when it came to the Gaming Enterprise District, they would be there, along with others, to object to the expansion of the Gaming Enterprise District and wanted that on record.

Chairman Carvalho closed the Public Hearing.

Mr. Garcia stated when the companion item was heard City Council, a resident who spoke on behalf of the Richmond American home owners to the north, across the tracks, stated the one thing they did not want was any industrial in the area.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: None

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

Marc Jordan, Planning Manager asked the Commission if they wanted to move the November 22, 2006 Planning Commission meeting to Tuesday, November 21, 2006. The Commissioners unanimously agreed it should be moved to November 21, 2006.

Mr. Jordan also asked the Commission if they wanted to cancel the December 27, 2006 Planning Commission meeting. The Commissioners unanimously agreed to cancel the December 27, 2006 Planning Commission meeting.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 8:34 p.m.

APPROVED: October 25, 2006

/s/ Angelo Carvalho  
Angelo Carvalho, Chairman

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