

**CITY OF NORTH LAS VEGAS
REGULAR CITY COUNCIL MEETING MINUTES**

September 4, 2002

CITY COUNCIL MEETING

CALL TO ORDER

6:09 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

ROLL CALL

COUNCIL PRESENT

Mayor Michael L. Montandon
Mayor Pro Tempore William E. Robinson
Councilwoman Stephanie S. Smith
Councilman Shari Buck
Councilman Robert Eliason

STAFF PRESENT

City Manager Kurt Fritsch	Administrative Services Director Eric Dabney
Assistant City Manager Gregory Rose	Deputy Fire Chief Jim Stubler
Assistant City Manager Dan Tarwater	Parks & Recreation Director Ken Albright
City Attorney Sean McGowan	Human Resources Director Vince Zamora
City Clerk Eileen Sevigny	Police Chief Mark Paresi
Acting Development Services Director Steve Baxter	Public Works Director Jim Bell
Finance Director Phil Stoeckinger	Assistant to the City Manager Brenda Johnson
Deputy City Attorney Jim Lewis	Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

Pastor Dick Jorgensen
Canyon Ridge Christian Church

PLEDGE OF ALLEGIANCE

Cory Rosecrans
Kody Edgel
Boy Scout Troop 911

PRESENTATIONS

- *Presentation to Texas Hotel and Casino Employees, Roosevelt Howard, Elene Boyt, Corey Moreland, Tracy Mayes and Jimmy McClure for their assistance, professionalism and dedication to Law Enforcement.*
- *Presentation to Roy Dean Jenson, Jr. for his assistance to Law Enforcement Officers during a crime.*

ACTION: PRESENTATIONS MADE

AGENDA

1. **APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF SEPTEMBER 4, 2002.**

ACTION: APPROVED AS AMENDED; ITEM NOS 2 - 4 CONTINUED TO SEPTEMBER 18, 2002

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

CONSENT AGENDA

11. APPROVAL TO AMEND THE 2002-2003 STAFFING PATTERN AS FOLLOWS:
(ALL STAFFING PATTERN CHANGES WILL BE PROCESSED WHEN ADMINISTRATIVELY FEASIBLE)

FIRE DEPARTMENT

ADMINISTRATION

TITLE CHANGE ONLY: TWO (2) SPECIAL FIRE OPERATIONS OFFICER DD31 TO ASSISTANT FIRE CHIEF DD31

FIRE PREVENTION DIVISION

UPGRADE ONE (1) FIRE PROTECTION ENGINEER FROM APT 22 TO APT 24

RECLASSIFY ONE (1) SENIOR FIRE PREVENTION INSPECTOR FFN 55 TO FIRE PREVENTION SUPERVISOR FFN 62

ACTION: APPROVED

MOTION: Councilman Buck
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason
NAYS: None
ABSTAIN: None

12. APPROVAL FOR FINAL ACCEPTANCE OF THE FISCAL YEAR 2001/2002 ADA ACCESSIBILITY PROJECT, BID NO. 1116 FOR MAINTENANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION. (CNLV Contract No. C-5110)

ACTION: APPROVED

MOTION: Councilman Buck
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason
NAYS: None
ABSTAIN: None

13. APPROVAL OF THE WATER OVERSIZING AGREEMENT BETWEEN CENTEX HOMES AND THE CITY OF NORTH LAS VEGAS IN THE AMOUNT OF \$1,615 FOR THE OVERSIZING OF 220 LINEAL FEET OF WATER MAIN IN REVERE STREET NEAR THE INTERSECTION OF DEER SPRINGS WAY. (CNLV Contract No. C-5176)

ACTION: APPROVED

MOTION: Councilman Buck
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason
NAYS: None
ABSTAIN: None

14. APPROVAL OF THE SEWER OVERSIZING AGREEMENT BETWEEN CENTEX HOMES AND THE CITY OF NORTH LAS VEGAS IN THE AMOUNT OF \$22,789 FOR THE OVERSIZING OF 4,946 LINEAL FEET OF SEWER MAIN IN COMMERCE STREET APPROXIMATELY 1,000 LINEAL FEET NORTH OF CENTENNIAL PARKWAY. (CNLV Contract No. C-5177)

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

15. ITEM DELETED BY STAFF.

16. APPROVAL OF FIRST SUPPLEMENTAL INTERLOCAL CONTRACT FOR THE SIMMONS STREET CHANNEL PROJECT TO EXTEND THE DATE OF COMPLETION OF THE PROJECT TO JUNE 30, 2006. (CNLV Contract No. C-4753)

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

17. **APPROVAL OF AN INTERLOCAL CONTRACT FOR THE NUCLEAR WASTE REPOSITORY PROGRAM TO JOINTLY PARTICIPATE WITH THE CLARK COUNTY NUCLEAR WASTE STEERING COMMITTEE IN ACTIVITIES REGARDING THE PROPOSED HIGH-LEVEL RADIOACTIVE WASTE DISPOSAL SITE AT YUCCA MOUNTAIN, WHEREBY THE CITY RECEIVES \$5,000 FOR OVERSIGHT ACTIVITIES INCLUDING MEETING ATTENDANCE AND PROGRAM PARTICIPATION. (CNLV Contract No. C-5178)**

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

18. **APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH ANN MARKETPLACE, LLC TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ANN ROAD AND ALLEN LANE IN THE AMOUNT OF 1.2% OF THE TOTAL COST OR APPROXIMATELY \$5,061, ANN ROAD AND SIMMONS STREET IN THE AMOUNT OF 1.9% OF THE TOTAL COST OR APPROXIMATELY \$9,347, ANN ROAD AND CLAYTON STREET IN THE AMOUNT OF 2.2% OF THE TOTAL COST OR APPROXIMATELY \$10,822, TROPICAL PARKWAY AND CLAYTON STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST OR APPROXIMATELY \$4,919, AND THE MEDIAN AT ANN ROAD AND SIMMONS STREET - EAST LEG IN THE AMOUNT OF 50.0% OF THE TOTAL COST OR APPROXIMATELY \$10,073 FOR THE ANN MARKETPLACE COMMERCIAL PROJECT LOCATED ON ANN ROAD, APPROXIMATELY 293 FEET EAST OF SIMMONS STREET. (CNLV Contract No. C-5179)**

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

19. **APPROVAL OF CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH POKER PALACE CASINO FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT LAS VEGAS BOULEVARD AND PECOS ROAD IN THE AMOUNT OF 1.5% OF THE TOTAL COST OR \$3,750 AND LAS VEGAS BOULEVARD AND BELMONT/EVANS IN THE AMOUNT OF 3.6% OF THE TOTAL COST OR \$9,000 FOR THE CASINO EXPANSION LOCATED ON THE NORTHEAST CORNER OF LAS VEGAS BOULEVARD AND BELMONT STREET.**

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

20. **AMP-48-02 (CENTENNIAL/MCCARRAN); AN APPLICATION SUBMITTED BY TANEY ENGINEERING ON BEHALF OF PETERSEN 1994 TRUST, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO MDR MEDIUM DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND MCCARRAN STREET. (SET PUBLIC HEARING FOR SEPTEMBER 18, 2002)**

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 18, 2002

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

21. **AMP-50-02; AN APPLICATION SUBMITTED BY CITY OF NORTH LAS VEGAS,**

PROPERTY OWNER, TO AMEND THE MASTER PLAN OF STREETS AND HIGHWAYS TO REALIGN ANN ROAD BETWEEN LAWRENCE STREET AND STATZ STREET BY ADDING APPROXIMATELY 290 FEET TO THE TROPICAL PARKWAY ALIGNMENT BETWEEN THE NEW ANN ROAD ALIGNMENT AND TROPICAL PARKWAY, THE REMOVAL OF APPROXIMATELY 998 FEET OF TROPICAL PARKWAY BETWEEN MCCARRAN STREET AND STATZ STREET AND THE ADDITION OF APPROXIMATELY 2,600 FEET TO THE ANN ROAD ALIGNMENT BETWEEN STATZ STREET AND PECOS ROAD. (SET PUBLIC HEARING FOR SEPTEMBER 18, 2002)

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 18, 2002

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

22. **APPEAL SUBMITTED BY GEORGE GARCIA OF THE DECISION OF THE PLANNING COMMISSION OF AN APPLICATION SUBMITTED BY INSIGHT HOLDINGS, PROPERTY OWNER, REQUESTING A WAIVER OF THE INDUSTRIAL DESIGN STANDARDS' REQUIREMENT THAT TWENTY (20) FEET OF LANDSCAPING BE PROVIDED ALONG ALL RIGHTS-OF-WAY (SPR-18-02, ALEXANDER & PECOS INDUSTRIAL CENTER) IN AN M-2 GENERAL INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF ALEXANDER ROAD APPROXIMATELY 316 FEET WEST OF PECOS ROAD. (SET PUBLIC HEARING FOR SEPTEMBER 18, 2002)**

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 18, 2002

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

23. **APPEAL, SUBMITTED BY ROBERT W. POTTER, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE ZN-19-98 (EXTENSION OF TIME); AN**

APPLICATION SUBMITTED BY AFFORDABLE CONCEPTS, INC., PROPERTY OWNER, TO RECLASSIFY PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO AN M-1 BUSINESS PARK INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF CORAN LANE AND SIMMONS STREET. (SET PUBLIC HEARING FOR SEPTEMBER 18, 2002) (ASSOCIATED ITEM NO. 24, ZN-20-98)

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 18, 2002

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

24. **APPEAL, SUBMITTED BY ROBERT W. POTTER, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE ZN-20-98 (LAKE MEAD AIRPORT BUSINESS PARK) FOR PERMANENT ZONING (ORDINANCE NUMBER 1693); AN APPLICATION SUBMITTED BY AFFORDABLE CONCEPTS, INC., PROPERTY OWNER, TO RECLASSIFY PROPERTY FROM A RANCH ESTATES DISTRICT (R-E) TO A NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) ON PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF LAKE MEAD BOULEVARD AND SIMMONS STREET. (SET PUBLIC HEARING FOR SEPTEMBER 18, 2002) (ASSOCIATED ITEM NO. 23, ZN-19-98)**

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 18, 2002

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

BUSINESS

25. **PRESENTATION OF THE I-15/LAMB BOULEVARD INTERCHANGE PROJECT**

BY THE NEVADA DEPARTMENT OF TRANSPORTATION.

Director of Public Works Jim Bell introduced Frank Csiga, Chief Road Design Engineer for the Nevada Department of Transportation (NDOT), Steve Merrill, Project Manager, and Mike Bratzler, Project Designer for the I-15/Lamb Boulevard Interchange Project. Mr. Bell explained the project would cost over \$20 million; with \$15 million coming from the Regional Transportation Commission (RTC) and approximately \$5 million in State directed federal funds.

Mr. Csiga explained this was a joint project between NDOT, the City of North Las Vegas, Federal Highway Administration and the RTC. The project was intended to reconstruct the existing half-diamond interchange that currently existed on Lamb Boulevard to a full, single point urban interchange. The design was similar to the interchange at Cheyenne Avenue. The design would provide movement in all directions for Lamb Boulevard access to and from I-15. The project as proposed would widen Lamb Boulevard and Smiley Road on the east, to the I-15 western right-of-way limits that NDOT had acquired. Lamb Boulevard would be widened to six lanes and would include turn lanes. The proposed project would keep Lamb Boulevard at grade and would reconstruct I-15 to go up and over Lamb Boulevard. It was felt the reconstruction of the project to a single point urban interchange would handle present traffic as well as future traffic and would also accommodate the extension of Lamb Boulevard to the north to tie into the northern beltway. Mr. Csiga explained the purpose of the project was to provide a fully directional interchange in lieu of the existing half-diamond. The current interchange was completed in 1965 at a cost \$3.4 million. That cost included approximately eight miles of I-15. The current cost represented a significant increase. The proposed interchange was designed for future traffic volumes. The design year volumes were calculated to the year 2023. Presently, I-15 held approximately 24,000 vehicles per day in both north and south directions. In the year 2023, the projection was over 50,000 vehicles would use I-15 per day in that area. Lamb Boulevard presently held approximately 6,000 vehicles per day in the project area. In 2023, that number was expected to rise to 25,000 vehicles.

Mr. Csiga explained during the pre-design development phase of the project numerous alternatives were explored. Three promising alternatives were explored further. The first and most feasible alternative was the single point urban interchange. With this type of interchange, both ramps were brought to a central intersection in the center. This allowed for a single intersection along Lamb Boulevard instead of a conventional diamond type interchange with ramps on each side of the interstate coming into separate intersections. The advantage would be the elimination of an intersection which would provide a greater capacity to handle vehicles.

Mr. Csiga stated one of the advantages of keeping Lamb Boulevard at grade would be easier access to it now and in the future. He pointed out single point urban interchanges were compact in design which meant it was probably possible to construct the entire interchange within the current right-of-way. Another advantage of this design type was that

it was the least expensive to construct.

Mr. Csigá described the next alternative; the tight diamond. In a tight diamond interchange the ramps were compressed fairly close to I-15. This design did not use a great deal of right-of-way. The design was explored with the possibility of keeping I-15 at grade and constructing Lamb Boulevard over I-15. One problem was the arrangement limited potential access to the north to Lamb Boulevard. Another issue was by having an additional signal, the interchange could handle lower volumes of traffic.

Mr. Csigá reviewed the third alternative; a conventional diamond with wider ramps. There were issues with limiting access to the north. This design would use considerably more right-of-way thereby increasing the cost of the project. And as with the previous design, the additional signal would limit the volume of traffic the interchange could handle.

Mr. Csigá explained since federal funds were involved in the project, the National Environmental Policy Act would be adhered to. Presently, Staff at NDOT were preparing an environmental assessment for the project that included the environmental consequences of all alternatives. On the present schedule, NDOT expected to receive a finding of no significant impact in February of 2003. Approving bodies would include the City of North Las Vegas, Clark County, and the State Board of Transportation and would be expected to provide NDOT with resolutions of support. Mr. Csigá stated there were \$5 million in federal funds available for the project. NDOT would provide a 5% match of \$250,000 and an additional \$1 million in State funds. The bulk of the funding would come from the local sources of the City and the RTC. The overall budget for the project was \$21,250,000. The schedule for the project included advertising in May 2003. Start of construction would be approximately two to three months later with a scheduled completion anticipated in the spring of 2005. Two issues that could significantly alter the schedule were the environmental assessment and the possible need for additional right-of-way.

Mr. Csigá spoke of construction traffic control. A project could not be constructed of this magnitude without affecting existing traffic. There had been many discussions with the City's engineering staff. Separate detours to keep I-15 flowing at all times were being determined.

Mayor Montandon stated recently, the City had been provided with NDOT's northeast area corridor study. In that study, there were a number of alternatives for either a Lamb Boulevard super-arterial or an eastern leg of the northern beltway. Mayor Montandon questioned whether the proposed design incorporated the potential for either of those options. Mr. Csigá responded it was expected that Lamb Boulevard could continue to the north and tie into the northern beltway. Public Works Director Jim Bell further explained the northeast corridor study identified concepts to continue the beltway to the east. There would be significant costs associated with that option. The County Commission was against an eastern leg of the beltway at this time. Another concept was to increase the

capacity of Lamb Boulevard. But the study engineer for the project felt the area would be better served with Lamb Boulevard as an arterial. The question then became could Lamb Boulevard become a super-arterial in the future in the area of Craig Road. Director Bell stated that was a consideration. There was still a need to widen I-15 as well as I-95.

Mayor Montandon stated if Lamb Boulevard were at grade and I-15 constructed over it, essentially the ability to widen Lamb Boulevard would be lost. He asked if the project to re-construct Lamb Boulevard was in direct conflict with the northeast corridor study which stated Lamb Boulevard should be widened at some future date. Director Bell responded the northeast corridor study took into account build-out conditions. The Lamb Boulevard interchange would be constructed with future traffic levels in mind. The question was how the continuity of traffic would be provided when portions of the roadway were in North Las Vegas and part were in Clark County. Director Bell stated the City's goals with regard to future roadways were on track.

Mayor Montandon wanted confirmation that the northeast corridor study and the project to re-construct Lamb Boulevard were being coordinated. Director Bell responded they were. Mr. Csiga stated the issue with constructing I-15 over Lamb Boulevard was not so much the addition of lanes, it was providing access to Lamb Boulevard. He explained that super-arterials provided limited access.

Councilman Eliason questioned whether NDOT had taken into consideration the widening of I-15 to the speedway. Mr. Csiga stated it was being studied in relation to this project. Generally, structures were designed for a fifty year life whereas roadways were designed for a twenty year life. With that in mind, the structure over Lamb Boulevard was being designed to accommodate an additional lane at the time it is built. In addition, the structure would be elevated enough to where the additional lanes on I-15 could be widened to the interior. In the future, it was anticipated if I-15 were widened, it would be widened from the median side. The present interchange did accommodate any future widening.

ACTION: PRESENTATION MADE

PUBLIC HEARINGS - 6:30 P.M.

2. **APPEAL, SUBMITTED BY SPECIALTY HOLDINGS ON BEHALF OF GEORGE AND LORENE YOUNGHANS, PROPERTY OWNERS, OF THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-35-02 (ANN ROAD AND COMMERCE STREET), AN APPLICATION TO CHANGE THE COMPREHENSIVE PLAN LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COMMERCE STREET AND ANN ROAD. (CONTINUED FROM AUGUST 7 AND AUGUST 21, 2002) (ASSOCIATED ITEM**

NO. 3, ZN-62-02)

Mayor Montandon commented that for the second time in a row, Robert Combs had attended the meeting to request an odor easement be required on the property by the pig farm.

ACTION: CONTINUED TO SEPTEMBER 18, 2002

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

3. **APPEAL, SUBMITTED BY SPECIALTY HOLDINGS ON BEHALF OF GEORGE AND LORENE YOUNGHANS, PROPERTY OWNERS, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-62-02 (ANN ROAD AND COMMERCE STREET), AN APPLICATION TO CHANGE THE ZONING FROM A RANCH ESTATES DISTRICT (RE) TO A PLANNED UNIT DEVELOPMENT (PUD) FOR C-2 DEVELOPMENT FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COMMERCE STREET AND ANN ROAD. (CONTINUED FROM AUGUST 7 AND AUGUST 21, 2002) (ASSOCIATED ITEM NO. 2, AMP-35-02)**

Mayor Montandon commented that for the second time in a row, Robert Combs had attended the meeting to request an odor easement be required on the property by the pig farm.

ACTION: CONTINUED TO SEPTEMBER 18, 2002

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

4. **APPEAL, SUBMITTED BY DONALD DENMAN, PROPERTY OWNER, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE UN-26-02 (DONALD DENMAN, TRACKED VEHICLE STORAGE) AND REQUESTING A WAIVER FROM THE REQUIREMENTS TO PROVIDE 20 FEET OF**

**LANDSCAPING NEXT TO I-15 AND PROVIDING ADDITIONAL DRIVE AISLES.
(CONTINUED FROM AUGUST 7 AND AUGUST 21, 2002)**

ACTION: CONTINUED TO SEPTEMBER 18, 2002

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason

NAYS: None

ABSTAIN: None

5. **APPEAL, SUBMITTED BY GEORGE GARCIA, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-94-02 (CORTEZ HEIGHTS); AN APPLICATION SUBMITTED BY WOODSIDE HOMES ON BEHALF OF TRUSTEE OF CLARK COUNTY TREASURER, PROPERTY OWNER, TO RECLASSIFY PROPERTY FROM A RANCH ESTATES DISTRICT (R-E) TO A PLANNED UNIT DEVELOPMENT DISTRICT (PUD), FOR PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF NORTH 5TH STREET AND WASHBURN ROAD. (CONTINUED FROM AUGUST 21, 2002)**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained Staff met and developed additional conditions if the application were to be approved.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson and **Jim Fultz, Woodside Homes, 3855 South Jones Boulevard, Las Vegas** appeared before Council. He presented an alternative set of conditions of approval. Mr. Garcia requested the front setbacks be reduced to 18 feet from 20 feet. He agreed to add a condition requiring triple coat stucco on all homes. With regard to the condition that read 'the open space shall comply with Title 17 requirements,' Mr. Garcia stated when the block wall was removed and moved to allow for perimeter open space outside the wall, he desired that area be counted in the open space calculation. In terms of the amenities, Mr. Garcia felt the applicant was providing more than what was required, including a tot lot, a half court basketball court, sandlot volleyball court, and a shaded area along the barbecue pits. A pool bath house would not be provided. With regard to the condition requiring all utilities be relocated from side and rear lots to the streets, Mr. Garcia stated the applicant could not commit to that requirement. He stated the lines would be moved but the location was not yet determined.

City Attorney Sean McGowan stated he did not agree with the condition that stated "that site plan approval is conceptual subject to a final development plan and code requirements" because a conceptual plan was simply reviewed by Staff. The condition implied a preliminary plan approval. City Attorney McGowan stated the condition was unnecessary. Mr. Garcia stated it was acceptable to remove the condition.

City Manager Kurt Fritsch asked, relating to the open space requirements, if the perimeter block wall were moved, if the landscaped area outside was to be considered as part of the useable open space. Mr. Garcia stated that was correct.

Councilman Buck questioned whether the condition that stated "the maximum number of dwelling units with this development be 250" should read 241 units. Mr. Garcia stated that was correct. She then asked if the applicant was in agreement with the requirement of triple coat stucco. Mr. Garcia stated that condition was acceptable.

Mayor Montandon questioned the reason for moving the block wall and still including the area in front of the development as part of the open space requirement. He asked if there was a reason to tear down the block wall and move it. Mr. Garcia responded there had been neighborhood opposition to the project at the previous Planning Commission meetings. It was their wish the project resembled a newly constructed development. The applicant then agreed to reconstruct the block wall with the caveat the City Council had to approve the condition allowing that area in front of the wall in open space requirement.

Bob Borgersen, 4751 Possum Berry, North Las Vegas, stated the project had been a blight on the neighborhood for several years and this project would be aesthetically pleasing to the residents.

Mayor Montandon questioned who would be responsible for maintaining the open space in front of the block wall. Mr. Garcia responded it would be the homeowners association's responsibility.

Councilwoman Smith stated the existing wall was only a partial wall. The new portion of the development would need to be developed to code.

Public Works Director Jim Bell requested with regard to the condition that stated "all utilities shall be relocated from side and rear lots to the streets" that Public Works have full approval right for the placement of the utility lines in the streets. Mayor Montandon clarified the condition should read "all utilities shall be relocated as required by Public Works" or a similar condition that gave the applicant full rights but also gave them the option of working with Public Works to determine line location. Director Bell stated that would be acceptable if Public Works had full approval over the placement of the lines. Mr. Garcia agreed the applicant would be required to complete the work to Public Works' satisfaction as part of the civil improvement plan and permitting process. Assistant City Manager Gregory Rose

asked Council to consider the condition read “all utilities shall be relocated from side or rear lots to the streets or as requested by the City Manager or his designee.” Mr. Garcia stated that condition was acceptable.

City Attorney McGowan, spoke with regard to the condition that read “that the final development plan shall attempt to provide acceptable traffic calming (e.g., traffic circles, curvilinear streets, etc.) for all internal streets. The method chosen by the applicant shall meet the minimum standards adopted by the City for each street section or as approved by the Public Works Director.” He stated the first sentence was unnecessary and should be deleted. Mr. Garcia stated it would be difficult to find a traffic calming device for the first phase of the project.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO DENY OVERTURNED; ZN-94-02 APPROVED AS AMENDED; STAFF DIRECTED TO PREPARE AN ORDINANCE FOR PERMANENT ZONING

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Buck and Eliason

NAYS: Councilwoman Smith

ABSTAIN: None

6. APPEAL SUBMITTED BY JENNIFER LAZOVICH OF KUMMER, KAEMPFER, BONNER AND RENSHAW, OF THE DECISION OF THE PLANNING COMMISSION TO DENY T-934 (FIESTA DEL NORTE), AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A TENTATIVE MAP REVIEW IN AN R-E RANCH ESTATES DISTRICT (PROPOSED R-1 SINGLE FAMILY RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ALLEN LANE AND TROPICAL PARKWAY.

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained the waivers requested were for curvilinear streets and for side lot landscaping. Both the Planning Commission and Staff recommended denial.

Jennifer Lazovich, 3800 Howard Hughes Parkway, Las Vegas, appeared on behalf of

the applicant and explained the forty acre site was bounded by Ferrell Street, El Campo Grande, Allen Lane and Tropical Parkway. The development would contain a minimum of 6,000 square foot lots with most ranging from 6,600 to 12,000 square feet. The proposed density was 4.56 on 185 lots. Ms. Lazovich stated there was an existing tentative map on the site. She pointed out the existing tentative map and this application had some similarities. Both were for 4.56 units per acre on 185 lots. The existing tentative map however, indicated 41 foot wide streets where this application offered 48 foot wide streets. In addition, the existing tentative map contained several sub-standard lots. This map had no sub-standard lots. Ms. Lazovich stated the applicant intended to comply with the single family design guidelines with the exception of three conditions. Ms. Lazovich requested those conditions read as follows:

- That the proposed tentative map shall not exceed a density of 4.56 dwelling units per acre.
- That all interior streets in excess of 500 feet shall be curvilinear as required by Section 16.08.085 of the Municipal Code, *except for the following streets: Cantura Bluff Avenue, Casa Alto Avenue, Aqua Verde Street, and Buena Tierra Street.*
- That the development comply with the Single Family Design Guidelines, including, but not limited to the follows:
 - Ten feet of landscaping, which may include the sidewalk, shall be provided adjacent to the corner side of all corner lots within the development, *except on Lots 99 and 142 where 8 feet 6 inches of landscaping shall be provided.*

Ms. Lazovich stated the first condition related to the density of the project. The density for the project had not been increased from the existing tentative map. The second condition, dealt with curvilinear streets. Ms. Lazovich stated the Municipal Code contained a requirement that streets exceeding 500 feet in length be curvilinear in design wherever possible. Ms. Lazovich explained there was a fault line running through the center of the project. Given that fact, there was a hardship in creating curvilinear designs on all seven streets. The third condition dealt with landscaping. The Single Family Design Guidelines required ten feet of corner side yard landscaping, however, on two lots, 99 and 142, eight feet six inches of landscaping would be provided because of the narrowness of the lots. Ms. Lazovich also requested the following condition be deleted: "That the development of this site shall be in compliance with all Codes and Ordinances in effect at the time of building permit issuance. If there is a conflict with the conditions mentioned herein, the more restrictive shall apply." Acting Director Baxter responded that condition was typically imposed on a Planned Unit Development application.

Acting Director Baxter stated their request to set the density at 4.56 units per acre exceeded the maximum density allowed in the low density residential area as stated in the

Comprehensive Plan. If an exceptional layout was presented with no requests for deviations from Code, the extra density would be allowed. In this case, they were requesting deviation from Code to avoid lower density but yet they were exceeding the maximum density required. Ms. Lazovich disagreed and felt this was a unique situation in that the waivers were necessary because of the fault line running through the project. In addition, the request was for low density residential because medium density residential had the possibility of up to ten units to the acre. The existing tentative map allowed the 4.56 units per acre and there was a variance approved for substandards lots. Ms. Lazovich felt this was a superior design.

Councilman Buck asked how many lots would be lost if the density were approved at 4.5 units to the acre. Mayor Montandon responded they would lose approximately 2.5 lots.

Councilwoman Smith commented the applicant was, for the most part, complying with the wishes of the Council. She felt Pardee Homes had been a good developer for the community and she was in favor of the application. Mayor Montandon agreed the application was in compliance with the overall plan of the Council.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO DENY REVERSED; T-934 APPROVED AS AMENDED; CONDITIONS IMPOSED AS FOLLOWS:

1. Standard Condition 5: That approval of this application does not imply a commitment by the City for utility service to the subject property. A utility commitment will only be issued upon compliance with the requirements and conditions set forth in the Utility Service Commitment Policy Guidelines available from the Department of Public Works.
2. Standard Condition 15: That development shall comply with all applicable requirements of Title 16 and N.R.S. 278.
3. Standard Condition 17: That prior to submittal of a final map, street names shall be submitted to and approved by the Fire Alarm Office and U.S. Postal Service.
4. Standard Condition 19: That the developer prior to submittal of a final map, shall provide staff with graphic illustrations that the proposed dwelling unit may be located on irregularly shaped lots without necessitating special consideration by the Planning Commission.

5. Standard Condition 24: That the tentative map shall show building setback lines in order to determine the minimum lot widths or gore-shaped lots.
6. Standard Condition 26: That street construction must conform to current engineering standards and City ordinances
7. Standard Condition 27: That technical design comments will be made at the time development plans are submitted.
8. Standard Condition 28: That some interior streets may require minor revisions as required by the Traffic Engineer.
9. Standard Condition 29: That a water network analysis must be provided prior to development.
10. Standard Condition 31: Any known geologic hazards shall be shown on the plans. The presence of such hazards may substantially alter the design of the Tentative Map layout.
11. Standard Condition 32: The owner/developer is responsible for extending public utilities to the site.
12. Approval of a traffic study is required prior to submittal of the civil improvement plans.
13. Approval of a drainage study is required prior to submittal of the civil improvement plans.
14. The offset crown interior street section shall be approved pending review of the grading and improvement plans.
15. All residential units shall be provided with fire sprinklers, unless the applicant provides an alternative acceptable to the City prior to recording the final map.
16. That all interior streets in excess of 500 feet shall be curvilinear as required by Section 16.08.085 of the Municipal Code, except for the following streets: Cantura Bluff Avenue, Casa Alto Avenue, Aqua Verde Street, and Buena Tierra Street.
17. That the development shall comply with the Single Family Design Guidelines, including, but not limited to ten feet of landscaping, which may include the sidewalk, shall be provided adjacent to the corner side of all corner lots within the development, except on Lots 99 and 142 where 8 feet 6 inches (8'6") of landscaping will be provided.

18. That perimeter landscaping of the exterior street perimeter be designated as "Common Elements" and that interior perimeter landscaping commonly described as corner side yard landscaping be addressed as allowed for in the North Las Vegas Municipal Code Section 17.24.210(E).
19. That the perimeter walls be owned and maintained by the homeowners' association.
20. That corner side yard landscaping shall be maintained by the homeowner of the lot and that provisions and enforcement of such shall be provided within the CC&R's.
21. That the developer disclose to prospective home buyers that corner side yard landscape areas are reserved exclusively for landscaping.
22. That CC&R's be reviewed and approved by the Development Services Department prior to recording any final map.
23. That plastic, vinyl and similar materials not be permitted as part, or in whole, for the construction of any walls or fences within this development.
24. That five copies of a conforming tentative map incorporating the conditions of approval shall be submitted to the Public Works Department prior to submittal of the final map.
25. That the proposed tentative map shall not exceed a density of 4.56 dwelling units per acre.

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

10. **APPEAL, SUBMITTED BY GEORGE GARCIA, OF THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-49-02 (INSIGHT HOLDINGS), AN APPLICATION SUBMITTED BY JIM ZEITER ON BEHALF OF TEVEL LAND DEVELOPMENT LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO A PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A MIXED USE OF COMMERCIAL AND RESIDENTIAL DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND VALLEY DRIVE. (ASSOCIATED ITEM NO. 7, T-916; ITEM NO. 8, UN-36-02; AND**

ITEM NO. 9, UN-37-02)

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained the application did not meet the minimum lot size requirement in the Comprehensive Plan of 4,500 square feet. In addition there were unresolved design, setback and open space issues. Both the Planning Commission and Staff recommended denial because the City had not reviewed a preliminary plan that met with Code requirements. Acting Director Baxter pointed out even if the application were approved, the design of the project was unknown until the preliminary plan was submitted.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson and David McIntyre, Amstar Homes, 4570 South Eastern Avenue, Suite C28, Las Vegas, represented the applicant. Mr. Garcia stated the design of this project was known as traditional neighborhood design or new urbanism. The project would utilize the Planned Unit Development ordinance that allowed the requirements to be altered to create quality projects. The project would offer an alternative to the standard 'cookie cutter' style subdivisions. This type of design would offer a sense of community including the ability to interact with neighbors, to increase pedestrian mobility, and to have amenities. The project incorporated two different housing product types; one a rear loading, and one a front loading. There would be a commercial area, parks amenities and trails within the project. Because of the front loading and rear loading garages on opposing sides of the street the community offered the ability to walk through the community uninterrupted by driveways. Mr. Garcia stated this type of project was unique to the valley. In addition to the commercial portion, the project also provided a pool, trails, play areas and other conditional amenities. He felt the commercial portion of the project was very high-end and compatible with the residential portion.

Mr. Garcia pointed out the project originally began as a multi-family development with ten acres of C-2 zoning. Condominiums and apartments had previously been approved as well as ten acres of commercial zoning that had not been approved. In response to the concerns of the neighbors as well as City Council, the developer volunteered to reduce and eliminate all high density residential and to reduce the commercial portion to neighborhood commercial zoning and four acres in size.

Mayor Montandon stated there was a fine line between being creative and innovative and creating guidelines to accomplish those goals. It was a difficult challenge. The project proposed was cutting-edge, almost risky.

Councilman Buck stated this was the project that prompted Council to develop small lot design guidelines. As those types of projects were submitted, it was incumbent upon Council to ensure those developments were top quality. She felt this project would be of

good quality. Councilman Buck stated she wanted to see the project move forward but at the same time wanted a stipulation placed on the project that the future small lot design guidelines were adhered to. She asked Staff if that was possible. City Attorney Sean McGowan stated since the small lot guidelines did not yet exist, it would not be possible to require they be followed as a condition. The City was bound to deal with the project based on current design standards. Specific conditions could be placed on the project. Councilman Buck pointed out there had been other recent applications where conditions were imposed that stated development would not begin until the new small lot guidelines were in place. Deputy City Attorney Jim Lewis responded the previous project had a stipulation that the City hoped the applicant would comply with the new small lot guidelines but it was not a requirement. Councilman Buck stated at the special joint City Council/Planning Commission meeting it was determined that all applications already submitted would have to comply with the new guidelines. City Manager Kurt Fritsch corrected it was determined those applications already submitted would be brought forward for Council consideration. Mayor Montandon asked if a condition were to be placed on a project requiring it to comply with the new small lot guidelines, would that condition be placed on the Planned Unit Development (PUD) application or the tentative map. Acting Director Baxter responded on the PUD. Councilman Buck stated it would be possible to assume what the small lot design guidelines would be and impose them on this application. Deputy City Attorney Jim Lewis stated that would be the safest approach. Councilman Buck asked if it were appropriate to see the project elevations. City Attorney McGowan responded yes. Mr. Garcia stated he had provided a list of alternate conditions; one of which stated they would ask the elevations be included as part of the PUD approval. It was his understanding at the time of the final development plan, very detailed four-sided architectural elevations would be brought in for review. Councilman Buck asked if at the time of the final development plan approval, if the small lot guidelines were in place, would that affect the review. Deputy City Attorney Jim Lewis stated it probably would not. The final development plan review was generally a ministerial act, comparing it to the preliminary development and if it looked similar, there was not as much discretion to add new conditions. It was be difficult at the final development plan to require the applicant to redesign the project. Councilman Buck felt confident the project shown to her would be what as built and would be a great product. Mr. Garcia stated the elevations provided could be added as conditions of approval.

Acting Director Baxter stated the alternative conditions of approval submitted by Mr. Garcia had been reviewed by Staff. There were some disagreements between what Mr. Garcia submitted and what Staff had proposed. Councilman Buck stated there were appropriate areas for small lot developments such as this to be placed. Considering that this location was zoned as R-2, this project was a good alternative to apartments.

Councilwoman Smith asked Acting Director Baxter to explain the concerns he had with the alternative conditions of approval submitted by Mr. Garcia. She specifically questioned the 17 feet and 5 feet front setbacks. She questioned if the driveways would be staggered. Mr. McIntyre responded the setback referred to the front loaded garages. It was

intentionally designed with a five foot front setback to create an undulation in the street as opposed to having a setback that would allow homeowners to park halfway in and halfway out of the garage. It was intentionally reduced to a depth that would eliminate that possibility. The 17 foot setback was the full depth of the driveway for the two car garage. Councilwoman Smith questioned if 20 feet was the standard. Acting Director Baxter responded that was correct. Councilwoman Smith questioned whether issues such as street width should be discussed at that time. Acting Director Baxter responded street widths were addressed in the conditions. He stated Staff did not agree with the request for four foot side yard setbacks. He also requested if that condition were approved, there be an additional condition requiring triple coat stucco. Councilwoman Smith asked Mr. McIntyre to address the difference between the four and five foot setbacks. Mr. McIntyre responded it had been his experience the typical five foot side yard setback was difficult to deal with both technically and as a homeowner. The rooftop air conditioning/heating units were to be placed in the side yards. He stated attempting to maneuver a lawnmower or wheelbarrow around the unit would be difficult. Councilwoman Smith asked whether five foot setbacks would be too wide. Mr. McIntyre responded five feet would not be wide enough. The front loaded garage product had a 4 foot and 4 foot side yard setback; however, on one side of each side of the lot there was a use easement with a zero lot line type architecture to provide the privacy to the home on the adjoining lot. There was essentially eight feet of useable side yard as opposed to 3.5 or 4 feet of unuseable side yard. Councilwoman Smith pointed out if there were five foot setbacks then there would be ten feet of side yard setback total. Mr. McIntyre stated on the rear loading garages five feet rear yard setbacks were proposed. It was a completely different type of architecture. Those homes would offer front porches, garages to the rear and courtyards off to the side.

Councilwoman Smith asked Acting Director Baxter to address the issue of parking. She stated if the driveway was five feet in length, driveway parking would be eliminated. Acting Director Baxter stated one concern of Staff was with parking in general. Typically in the valley, because homes did not have basements and because some residents had more cars than garage space, people tended to park in the street. In this case, there was room for parking on certain streets. Acting Director Baxter felt there would be a significant shortage of parking unless additional guest parking was provided. Councilwoman Smith felt the issues that tended to destroy a community were landscaping and street parking. She was in favor of homeowner's associations maintaining the front yards and there was adequate places for parking. Mr. Garcia felt there was more than adequate parking because one side of the street had were no driveways and the other side had both driveways and street parking. He felt the combination of garage parking and street parking was adequate for the development. Councilwoman Smith questioned if there were any guest parking or RV parking areas in the development. Mr. Garcia responded there were some guest parking areas but no RV parking. Mr. McIntyre agreed with the value of traffic control gained by the use of a homeowner's association and proposed the use of one for this development. Councilwoman Smith questioned if the homeowner's association would be responsible for the front yard landscaping on the homes. Mr. McIntyre responded they would be in charge of enforcing the maintenance of the yards. Councilwoman Smith

clarified they were not charged with maintaining the yards. Mr. McIntyre stated that had not been determined to date. It was a matter of determining if the homeowner's will want the option to make improvements to personalize their homes. Councilwoman Smith felt a homeowner's association was necessity. She voiced her concern that with a higher density, a common group be responsible for the maintenance of the yards so that no matter if the property were vacant or inhabited, the appearance remained consistent. Mr. McIntyre agreed. Acting Director Baxter stated in the community they had toured in California, it was an absolute must that they had homeowner's association maintained front yards. Councilman Buck pointed out the alley loaded homes were maintained by the homeowner's association as well. She felt that maintenance by a homeowner's association was imperative.

Councilwoman Smith again voiced her concerns regarding parking. She felt the residents and visitors would not always be obedient when determining where to park. Mr. Garcia stated it was not a red curb condition on one side of the street. There was parking allowed on both sides of the street because the street was wide enough. Mr. Garcia stated it was a trade-off for the homes that had a five foot driveways versus the eighteen foot driveway. There was not enough room to even attempt to park in the five foot driveway. But it created a better streetscape in term of having a variety of setbacks. However, it was compensated by additional parking that would not otherwise exist on a typical street on the opposing side. Mr. McIntyre felt that type of development appealed to a broad range of home buyer. Acting Director Baxter stated he agreed with the staggering from an aesthetic standpoint. He stated the parking issue was untested and did not feel comfortable with the design. He stated he wanted to see what was developed in the small lot design guidelines regarding this issue. He felt it would possibly lead to a street full of cars that would be very unattractive.

Jean Withers, 4513 Grotto Court, North Las Vegas, voiced her opposition to the project. She stated she was the secretary of the Country Gardens development at Washburn Road and Decatur Boulevard and was representing the entire subdivision. She knew, through experience, when residents were allowed to park anywhere there would be considerable congestion. She stated emergency access was very difficult. She requested Council seriously review what was happening to the neighborhoods in North Las Vegas. She felt with Eva Wolfe School in close proximity, the bar/tavern license was inappropriate. Future projects should revolve around families and children rather than alcohol.

William Nicewander, 4443 Sparkle Crest, North Las Vegas, also opposed the project. He felt the lot sizes were much too small as there was enough of that type of development in close proximity. He was under the impression a development similar to the one he lived in would be constructed on the parcel in question. He did not believe more commercial was needed since the area of Ann Road and Decatur Boulevard was zoned as a major commercial area. He also felt there were enough bars or taverns in the area and requested an upscale restaurant in its place. He felt the proposed project resembled apartments and would not foster community spirit.

Councilman Eliason asked to review each condition individually. The Alternative Conditions of Approval submitted by Mr. Garcia were as follows:

1. That Standard Conditions 1, 2, 5, 7, 11, 15, 19, 26, 27, 29, 31, and 32 apply; and

Mr. Garcia stated the applicant concurred with the standard conditions.

2. That the following right-of-way dedications are required ***or as otherwise approved by Public Works.***
 - a. Bus turn-out on Ann Road west of Valley Drive;
 - b. Fifty feet (50.00') for Ann Road;
 - c. Thirty feet (30.00') for San Mateo Street and El Campo Grande Avenue;
 - d. Flared intersection at Ann Road and Valley Drive per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawings* Number 201.1; and

Mr. Garcia stated the applicant basically agreed with this condition but requested a minor modification to include situations that might arise during the approval process. Public Works Director Bell agreed with the addition to the condition. Mr. Garcia pointed out the condition listed a group of required dedications, the additional language allowed for Public Works' discretion as to what was required as the applicant went forward with various studies and design towards construction.

3. That the driveway number and location 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 17.24.130 and the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing* Number 225. Conformance may require modifications to the site; and

Mr. Garcia stated the condition was acceptable.

4. Correct the dimensions on the private street sections. Even though the total right of way width is different on the three sections, the dimensions from the centerline to the back of the curb are identical; and

Mr. Garcia stated the condition was acceptable.

5. Remove pavement thickness from the typical sections. The pavement sections shown on the civil plans will be designed in accordance with Standard Specifications Section 401 using the AASHTO model; and

Mr. Garcia stated the condition was acceptable.

6. That the **final preliminary** development plan ~~be revised to~~ shall identify landscaping and pedestrian access (five-foot-wide meandering sidewalk) through all proposed drainage, water and/or sewer easements **not across individual housing lots**. The access ways shall connect the residential areas to the nearest public sidewalks and to the primary entrance of the nearest commercial building. The utility easements shall also be identified as "Pedestrian Access Easements" and shall be maintained by the homeowners' association; and

Mr. Garcia clarified approval at this meeting was for the preliminary development plan. The next step would be the final development which would address specific easements required.

7. That all residential units shall be provided with fire sprinklers, unless the applicant provides an alternative acceptable to the City prior to recording the final map; and

Mr. Garcia stated the condition was acceptable.

8. The fire access lanes shall have the minimum width and turning radii required by the Fire Code, with red-painted curbs and posed signage to maintain the minimum required width as needed; and

Mr. Garcia stated the condition was acceptable.

9. That dead-ends ~~of the fire access lanes~~ streets shall as required by the Fire Department of the fire access lanes shall have a maximum length of 150 feet, per the Fire Code. For any lane that constitutes a dead-end longer than 150 feet, an apparatus turn-around with a minimum diameter of 90 feet is required **or provision for emergency access over an approved all weather surface**. The revised preliminary development plan shall be reviewed and approved by the Fire Department and the Development Services Department; and

Mr. Garcia stated in discussions with the Fire Department, it was agreed locations would be based on Fire Department requirements. If fire access lanes were required on dead-end streets, the applicant would be required to provide an all weather surface.

10. That a minimum 192,430 square feet of usable open space, in accordance with Section 17.20.160.12 of the Municipal Code, be provided. The applicant shall meet jointly with the Department of Development Services and Parks & Recreation prior to ~~re~~-submittal of the **preliminary** final development plan to demonstrate the usability of the open space areas. **A pool shall be included as part of the amenity submittal. The open space areas shall be constructed according to the following schedule: a) A minimum of 50,000 square feet to be constructed prior to issuance of the 60th building permit b) A minimum of 100,000 square**

**feet to be constructed prior to issuance of the 120th building permit c)
Completion of the open space and park plans prior to issuance of the 180th
building permit; and**

Mr. Garcia stated this condition reflected the amount of square footage required by Parks and Recreation. A pool amenity was added. The condition also delineated the amount of park space to be constructed in relation to the phases of construction. Parks and Recreation Director Ken Albright concurred with the changes to the condition.

11. That ~~no~~ site plan ~~approval is implied~~ **approval is conceptual subject to a final development plan and code requirements**; and

Mr. Garcia stated the condition required a preliminary development plan approval.

12. That a minimum lot size of ~~2,625~~ **2,600** square feet with minimum lot widths of 35 feet be permitted within this development; and

Mr. Garcia stated the condition was acceptable with the noted exception.

13. That the preliminary development plan be revised to provide an acceptable form of traffic calming (e.g., traffic circles, curvilinear streets, etc.) for streets "A," "E," "H," "J," "N," and "R." The method chosen by the applicant shall meet the minimum standards adopted by the City for each street section **or as otherwise approved by Public Works**; and

Mr. Garcia stated the condition was acceptable with the addition of the flexibility to obtain approval of an alternative traffic calming device acceptable to Public Works for the preliminary plan for street design. Mayor Montandon questioned if the Director of Public Works had final say on the condition. Mr. Garcia responded that was correct.

14. That a minimum twenty (20) feet of landscaping be provided between the residential and commercial portions of the development. The landscaping shall be located within the commercial site and maintained by the commercial **center and/or property owner association** (s), with the exception of the utility and pedestrian easements, which shall be maintained by the homeowners' association; and

Mr. Garcia stated the condition was to allow for the maintenance of the landscaped area abutting the commercial product by a property association or the commercial center. He clarified it allowed for the quality care of the landscaping.

15. That a screen wall be provided between the residential and commercial portions of the development **or other alternative plan as approved by the Planning Staff**. The wall shall be decorative on both sides, except where it faces a residential alley,

which would be at the developer's discretion; and

Mr. Garcia stated the condition regarded the screening between the residential and commercial portions of the development. Planning Staff would have final approval of an alternative to the screen wall as noted in the condition.

16. That the development of the residential areas comply with the Single Family Design Guidelines, unless otherwise provided herein; and

Mr. Garcia stated the condition was acceptable.

17. That the following setbacks apply to the front-loading garage units:
 - a. Front: ~~Twenty (20)~~ **Seventeen (17)** or **Five (5)** feet **to the garage door**
 - b. Interior Side: Five (5) **Four (4)** feet
 - c. Rear yard: Ten (10) feet; and

Note: To create a visually interesting street scene the setbacks are staggered.

This condition addressed the setbacks. Earlier discussion concluded that eighteen feet of front setback to the garage door was appropriate. Mr. Garcia agreed to this change. On the interior side setbacks, four feet was requested and would create an eight foot use easement between homes. Councilman Buck asked if this would eliminate the need for triple coated stucco. Mayor Montandon responded it was still required. Mr. Garcia stated he would agree to the triple coat stucco. Mayor Montandon stated this condition directly related to the deletion of Condition No. 19. Mr. Garcia stated that was correct because there would be use easements permitted. Mayor Montandon stated this would create an effective zero lot line product. Mr. Garcia stated that was correct.

18. That the following setbacks apply to the rear-loading garage units:
 - A. Front: Eight (8) feet
 - B. Interior side: Five (5) feet
 - C. Rear yard: Five (5) feet; and
19. ~~That "Use Easements" not be permitted adjacent to residential units. A zero lot line, literal or conceptual, shall not be permitted within this development;~~ and
20. That a final development plan be submitted for review and approval by the Planning **Staff Commission** for the residential area prior to the issuance of any residential construction permits. The final development plan shall identify proposed color schemes, building materials, elevations, landscape and streetscape plans, and recreational amenities; and

Mr. Garcia stated the condition was acceptable. City Attorney Sean McGowan felt the first sentence of the condition was unnecessary and created the implication that a final development plan approval was not necessary to commence the commercial construction. Mr. Garcia agreed.

21. That the **maximum** number of dwelling units within this development be 266; and

Mr. Garcia stated the maximum number of dwelling units would be 266.

22. That gates shall be provided within the perimeter wall that allow residents access from the paseos (i.e., open space areas) to the perimeter of the development; and

Mr. Garcia stated the condition was acceptable.

23. That pedestrian access easement and gates be provided in locations identified as "Emergency Access Easements;" and

Mr. Garcia stated the condition was acceptable.

24. That landscape and irrigation plans for interior and perimeter streetscapes be reviewed and approved by Planning prior to approval of any conforming tentative map; and

Mr. Garcia stated the condition was acceptable.

25. That the perimeter walls be owned and maintained by the homeowners' association. The perimeter walls shall be constructed within areas identified as "Common Elements;" and

Mr. Garcia stated the condition was acceptable.

26. That corner side yard **common element** landscaping, if applicable, be maintained by the homeowner's association; and

Mr. Garcia stated the change was to break down the landscaping types.

27. That the developer disclose to prospective home buyers that corner side yard **common element** landscape areas, if applicable, are reserved exclusively for landscaping; and

Mr. Garcia stated as with the previous condition, the terms 'common element' were used to break down and clarify the different types of landscaping. Councilwoman Smith felt that Condition No. 26 should include front yard and alley way landscaping. Councilman Buck

felt that change would be appropriate to Condition No. 28. Mr. McIntyre responded that was correct. Mr. Garcia stated a condition could be added to state the areas in front of the homes would be included. Councilwoman Smith added all front yard landscaping and alley way landscaping should be maintained by a homeowners' association. Mr. Garcia stated those amendments could be added separately or to Condition No. 30. Acting Director Baxter stated a separate condition would be needed stating the front yard and alley way landscaping would be maintained by the homeowners' association.

28. That all areas used to fulfill the open space requirements for this PUD be designated as "Common Elements" and maintained by the homeowners' association; and

Mr. Garcia stated the condition was acceptable.

29. That plastic, vinyl and similar materials not be permitted as part, or in whole, for the construction of any walls or fences within this development subject **except as approved Building Department**; and

Mr. Garcia stated any exceptions would require approval by the Building Department.

30. That CC&R's be reviewed and approved by Planning prior to approval of any conforming tentative map; and

Mr. Garcia stated the condition was acceptable.

31. That the commercial area not exceed 4.00 gross acres; and

Mr. Garcia stated the condition was acceptable.

32. That one pedestrian access way (maximum 6 feet in width) be provided from the residential area to the primary entrance of the anchor tenant. The access location shall be through the northern wall of the commercial site and in-line with the paseo between lots 148 and 149. With the obvious exception of the five-foot (5.00') sidewalk itself, the access way shall not interfere with the required landscaping of the commercial portion of this development and shall be ADA-compliant; and

Mr. Garcia stated the condition was acceptable.

33. That the commercial area of this PUD be developed in accordance with the minimum standards set forth in the Commercial Design Guidelines, unless otherwise provided for herein; and

Mr. Garcia stated the condition was acceptable.

34. That the commercial uses in this Planned Unit Development shall only be those

allowed in the C-1 Neighborhood Commercial District as principally permitted uses, or as special uses subject to Title 17 § 24.020; and

Mr. Garcia stated the condition was acceptable.

35. That pad development shall not occur until a building permit is issued for the major anchor, which is identified on the submitted site plan as **“Drug Store” Major A**. Pad development is identified on the submitted site plan as “Retail,” “Restaurant,” and “C Store;” and

Mr. Garcia state the term drug store had been changed to Major A as that was how it was delineated on the plan.

36. That the development of this site be in compliance with all Codes and Ordinances in effect at the time of building permit issuance **and the Neighborhood Commercial Design Guidelines and Illustrative Photos**. If there is a conflict with the conditions mentioned herein, the more restrictive shall apply; and

The final development plan would be reviewed against the illustrative photos to indicate the quality and character of the project.

37. That a final development plan be submitted for review and approval by the Planning **staff Commission** for the commercial area prior to the issuance of any commercial construction permits; and

Mr. Garcia stated the condition was agreeable with the modification that Planning Staff review and approve the commercial area.

38. That the meandering sidewalk identified along the northern side of the commercial area be removed; and

Mr. Garcia stated the condition was acceptable.

39. That the five-foot (5.00') meandering sidewalk along Ann Road be separated from the back-of-curb by a minimum five feet (5.00') of landscaping **except as approved by Public Works**; and

Note: The sidewalk must be located back of curb near driveways for safety reasons.

Mr. Garcia stated the meandering sidewalk had to come back to the curb. Approval of exceptions would be finalized on the civil improvement drawing by Public Works.

40. That landscaping shall be provided in accordance with all applicable Municipal Code requirements; and

Mr. Garcia stated the condition was acceptable.

41. That all parking and drive aisles be provided in accordance with the requirements set forth in the Municipal Code; and

Mr. Garcia stated the condition was acceptable.

42. That all commercial driveways be in accordance with the requirements set forth in the Municipal Code; and

Mr. Garcia stated the condition was acceptable.

43. That open space calculations, including dimensions and square feet, be provided for each individual area on the revised preliminary development plan; and

Mr. Garcia stated the condition was acceptable.

44. That eight (8) copies of the revised preliminary development plan, incorporating all conditions mentioned herein, be submitted to the Development Services Department prior to the submittal of any final development plan

Mr. Garcia stated the condition was acceptable.

45. ***The Final Development Plan shall include elevations for all four sides of each housing type. The elevations for the final development plan shall substantially conform to the elevations submitted for the PUD's Conceptual Plan.***

Mr. Garcia stated the elevations reviewed by Council at this meeting would be what was inspected at the time the final development plan. Elevations would be four sided and would substantially conform to the drawings that were presented to Council.

Councilwoman Smith questioned if the conditions were Mr. Garcia's conditions or Staff's conditions. Mr. Garcia responded what was presented to Council was Staff's original conditions with suggested changes. Acting Director Baxter stated Staff agreed with some of the changes but not all. He stated Staff felt Condition No. 11 should remain as proposed by Staff. Staff also disagreed with the requested setbacks. Although eighteen feet was an improvement over the suggested seventeen feet, eighteen feet was still rarely approved by the City. Staff felt five feet, instead of the four feet side yard setbacks suggested were appropriate. Acting Director Baxter agreed with the deletion of Condition No. 19 regarding use easements. That was how ten feet of useable side yard could be obtained. Staff agreed with the deletion of the first sentence of Condition No. 20. With regard to Condition No. 29, Staff had a concern about the use of vinyl fencing as there was a durability issue.

He preferred Mr. Garcia's alternate wording be deleted. He suggested a condition be added requiring triple coat stucco.

Councilwoman Smith stated her concern regarding the four foot side yard setback. She asked if the plan was to have a combined eight foot side setback with no wall separating the two houses. She felt the additional two feet added by a five foot setback was necessary for fire safety. She questioned the need for five foot setbacks. Acting Director Baxter responded five foot setbacks, if separated from the next house by a wall, provided enough room for ground mounted air conditions units, drainage, as well as a comfortable spacing between two houses. Deputy Fire Chief Stubler pointed out, as footage was reduced between houses on side yards, the risk of conflagration became greater. The three coat stucco would help mitigate the risk but adequate distance between homes was imperative for fire safety. Councilwoman Smith then asked the Fire Department's position on the side yard setbacks. Deputy Fire Chief Stubler responded he preferred ten feet because it was safer to the community and would reduce damage to adjoining houses in the event of fire in one house.

Councilman Buck stated the impact to the Police Department had not been discussed. She questioned if there were alternative acceptable methods to add as conditions to handle police protection and added as the City approved more and more small lot developments, it would be necessary to address both fire and safety concerns.

Councilwoman Smith stated there were many positive points to developments such as this. She questioned the setbacks of the prototype they had seen in California. Mr. McIntyre responded the side yard setbacks were four feet. He defined the space as useable for a better quality of life. He felt it was a superior alternative to a larger side yard that was not used and became fire hazards. Councilwoman Smith stated her concern that homes were too close together at eight feet apart. Mr. McIntyre responded the project replicated the prototype that was viewed in California. He pointed out the side yards would be out of the wind and direct sunlight and would be good useable space that otherwise would not be taken advantage of. Councilwoman Smith countered that two extra feet would not have been offensive to any one. Mr. McIntyre responded it was critical to the site plan. He pointed out the common area requirement had been exceeded. If there was a way the side yards could be expanded to something more than eight feet by reducing the common areas at the ends of the blocks, it would be done to the maximum extent. He felt by accommodating that request, they would not come below the open space requirement. Councilwoman Smith requested Staff be given additional time to review all specifics for the project. Mr. McIntyre responded he had met with Staff several times and with regard to the open space, the requirement had been exceeded many times over. Mr. McIntyre stated there was no requirement that had not been exceeded at the request of the City. Councilwoman Smith disagreed because there were new conditions to be reviewed.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO DENY OVERTURNED; STAFF DIRECTED TO PREPARE AN ORDINANCE FOR PERMANENT ZONING WITH THE FOLLOWING AMENDED CONDITIONS OF APPROVAL:

- Condition No. 17 - Item A, seventeen (17) foot driveways to be changed to eighteen (18) foot driveways
- Condition No. 20 - 'conceptual' to be changed to 'preliminary'
- Add a condition that all front yard and alley landscaping be maintained by the homeowners' association
- Add a condition that three coat stucco will be required

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

7. **APPEAL, SUBMITTED BY GEORGE GARCIA, OF THE DECISION OF THE PLANNING COMMISSION TO DENY T-916 (MARVILLA), AN APPLICATION SUBMITTED BY JIM ZEITER C/O INSIGHT HOLDINGS ON BEHALF OF GARY O'KEEFE 75 AND THE ROSALIE FILIPELLI FAMILY TRUST 25 FOR A TENTATIVE MAP REVIEW IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A PLANNED UNIT DEVELOPMENT DISTRICT) TO CREATE A 266 LOT SUBDIVISION ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF ANN ROAD AND VALLEY DRIVE. (ASSOCIATED ITEM NO. 8, UN-36-02; ASSOCIATED ITEM NO. 9, UN-37-02; AND ASSOCIATED ITEM NO. 10, ZN-49-02)**

Mayor Montandon opened the Public Hearing.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson explained alternative conditions of approval had been submitted for consideration. Mr. Garcia stated the suggested wording to the conditions would make it in conformance with the Planned Unit Development approved on Item No. 10.

William Nicewander, 4443 Sparkle Crest, North Las Vegas, stated he had submitted approximately 40 petitions from neighbors requesting denial of the development. Mayor Montandon questioned which portion of the project was objected to. Mr. Nicewander stated it was a combination of the tavern and the size of the lots. He was concerned with his property value and traffic issues.

Jean Withers, 4513 Grotto Court, North Las Vegas, stated she had submitted a petition against the proposed project signed by residents in her subdivision. She felt the public was ignored over the plans of the developers.

Councilman Buck stated the area was zoned R-2, meaning the density could be a maximum of ten units an acre. What was approved with Item No. 10 was a density of approximately seven units to the acre. The area would be benefitted by home ownership instead of apartments.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO DENY OVERTURNED; T-916 APPROVED

MOTION: Councilman Buck

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

8. **APPEAL, SUBMITTED BY GEORGE GARCIA, OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-36-02 (INSIGHT HOLDINGS), AN APPLICATION SUBMITTED BY JIM ZEITER ON BEHALF OF TEVEL LAND DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT (PROPOSED TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND SAN MATEO STREET. (ASSOCIATED ITEM NO. 7, T-916; ITEM NO. 9, UN-37-02; AND ITEM NO. 10, ZN-49-02)**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained the application was recommended for denial by both Staff and the Planning Commission because of the close proximity to the residential portions of the project. There was no intervening shopping center between the bar and the homes and would have a negative impact on the residential area.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, stated the proposal was originally for a 10-acre C-2 commercial district. The proposal had been scaled down to a 4-acre C-1 neighborhood commercial development. He stated the quality and character was comparable to Kavanaugh's. In addition, the character of the entire project was designed to serve and be located next door to a residential community. He recognized possible concerns for the neighborhood and across the street, but the design was for the ease of the residents in the community. Mr. Garcia stated he had invited the neighbors to the Instant Replay. He felt the quality of the food service was that of a restaurant, and not a bar.

Councilwoman Smith, reviewing pictures that were submitted, stated the uses shown did not require a special use permit, while what was proposed for this project would require a special use permit. She felt bars in neighborhoods were not appropriate. She felt a use such as Starbuck's, Coco's, or Quizno's was more appropriate for a neighborhood commercial project.

Mayor Pro Tempore Robinson questioned if Kavanaugh's or Instant Replay were bars or restaurants. Mr. Garcia stated the intent was to make the bar/tavern of high end quality such as a Kavanaugh's which was an attractive place for people to go. He felt it was set in a different element than a conventional bar. Instant Replay would serve large quantities of food and would also serve liquor. Mayor Pro Tempore Robinson questioned if Mr. Nicewander would take his family to an establishment such as this. Mayor Montandon asked the location of the proposed development. Mr. Garcia responded Ann Road and Valley Drive. He then asked how far the development was from Decatur Boulevard. Mr. Garcia responded approximately 2,600 feet.

William Nicewander, 4443 Sparkle Crest, North Las Vegas, stated he could not comment on Instant Replay but his nephew frequented the establishment and stated he went there to drink beer. Food was incidental. Mr. Nicewander pointed out those who frequented Kavanaugh's went there for dinner. He stated he did not frequent many bar type establishments and requested a restaurant such as Olive Garden or a fast food restaurant. Mayor Pro Tempore Robinson asked if Mr. Nicewander had been to Kavanaugh's. Mr. Nicewander responded he had not. Reviewing the menu from Instant Replay, Mr. Nicewander stated there was more food offered than he originally thought. Mayor Pro Tempore Robinson stated although he did not want a bar on every corner in the City, if the establishment was comparable to other restaurants in the valley, he was in favor of it.

Councilwoman Smith stated she had been to Kavanaugh's and it was a bar with food service. She stated Instant Replay was the same. She stated if the applicant wanted to build a restaurant, they would have applied for a restaurant license. She felt a bar was not appropriate for the neighborhood.

Mr. Nicewander reiterated his concerns about traffic, small lot sizes and the close proximity of the commercial portion to commercial areas on Decatur Boulevard. He stated the residents in his subdivision were against the bar use.

Councilman Buck asked, if the applicant desired a supper club license instead of a bar/tavern license, could it be voted on at this meeting. Acting Director Baxter responded because it was a less intense use than what was originally applied for, it could be acted upon. Mayor Montandon commented there were many establishments approved in the City that had applied for a supper club license instead of a bar license. He felt a bar license would change the character of the establishment. Mr. Garcia responded the applicant's intent, through the design guidelines, was to create a high quality product that would be integrated with the residential community. He understood Council's concern but reminded them the project had originally been much more intense and had been scaled back considerably. He stated the applicant would agree to a supper club license. Mayor Montandon stated the applicant was asking Council to approve a commercial development that was smaller than was normally allowed and, allow a bar/tavern use in close proximity to homes.

Councilwoman Smith stated she was not in favor of a supper club license because she did not know the intent of the applicant. She felt it was more appropriate to decide on the bar/tavern license and, if in the future, the applicant desired a supper club restaurant that was not a permitted use, that would be brought back before Council at a later date. Mayor Montandon stated there were design guidelines in place. Councilwoman Smith stated it was still an application for a special use permit and she wanted to know what that use would be. Mr. Garcia stated the final development plan could be brought back before Council. Mayor Pro Tempore Robinson stated he wanted to review the final development plan.

Mayor Montandon closed the Public Hearing.

Councilwoman Smith made a motion to uphold the Planning Commission's decision to deny UN-36-02. The motion died for lack of a second.

ACTION: PLANNING COMMISSION DECISION TO DENY OVERTURNED; UN-36-02 APPROVED TO ALLOW A SUPPER CLUB USE; FINAL DEVELOPMENT PLAN SUBJECT TO CITY COUNCIL APPROVAL

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Eliason
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason
NAYS: None
ABSTAIN: None

9. **APPEAL, SUBMITTED BY GEORGE GARCIA, OF THE DECISION OF THE PLANNING COMMISSION TO DENY UN-37-02 (INSIGHT HOLDINGS), AN APPLICATION SUBMITTED BY JIM ZEITER ON BEHALF OF TEVEL LAND DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND VALLEY DRIVE. (ASSOCIATED ITEM NO. 7, T-916; ITEM NO. 8, UN-36-02; AND ITEM NO. 10, ZN-49-02)**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Steve Baxter explained both Staff and the Planning Commission recommended denial because it was not consistent with design guidelines and the store was too close to the residential development creating a negative impact in the neighborhood.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, stated certain designs such as the canopy and the front orientation of the store had been reversed to allow additional buffers to the residential portion of the project.

Councilman Buck questioned what would be the parking requirements on a supper club use as opposed to a bar/tavern use. Acting Director Baxter responded generally a bar/tavern use was more intense and would require more parking.

Mayor Pro Tempore Robinson asked how many other convenience store/gas pumps had been approved along Ann Road. Acting Director Baxter responded Chevron, Texaco and CVS had been approved. He added there was a drug store on the northwest corner of Ann Road and Decatur Boulevard. Mayor Pro Tempore Robinson pointed out that was in the

City of Las Vegas but it would increase traffic. He added there would be an application for a convenience store on the northeast corner of Ann Road and Decatur Boulevard. Mayor Pro Tempore Robinson clarified there would be five similar establishments in the area. Councilwoman Smith stated there were no convenience store uses shown in the exhibit pictures submitted by Mr. Garcia. She felt the applicant was attempting to create an intimate feel in the neighborhood commercial portion of the project and she did not feel a convenience store added to that feel. She stated there were many similar uses in close proximity and felt it was not a needed use.

Jean Withers, 4513 Grotto Court, North Las Vegas, asked Council to consider the children in the area when determining appropriate uses. She suggested a family oriented establishment would be of benefit. Mayor Montandon reminded Ms. Withers the decision was regarding a convenience store. Ms. Withers responded there were sufficient similar uses in the area. She voiced her opinion there needed to be cooperation, commitment, and coordination between the residents and the developers to provide quality services for the City.

William Nicewander, 4443 Sparkle Crest, North Las Vegas, stated he felt the convenience store would worsen the traffic situation.

Mayor Montandon questioned if the convenience store would be positioned 'California style,' facing towards the inside of the development, or towards the perimeter. Mr. Garcia responded it was their intent to keep the intensity of the area where vehicles would be towards the busy streets rather than the residences.

Mayor Montandon closed the Public Hearing.

ACTION: DENIED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

AYES: Council Members Smith, Buck and Eliason

NAYS: Mayor Montandon and Mayor Pro Tempore Robinson

ABSTAIN: None

BUSINESS (Continued)

26. **DISCUSSION AND/OR ACTION REGARDING THE LEASE OR SALE OF CITY OWNED PROPERTY FOR THE CONSTRUCTION OF A PRIVATE DRIVE BETWEEN A PROPOSED DRUG STORE AND CONSTITUTION WAY.**

City Manager Fritsch stated City Staff was not opposed to the CVS Pharmacy; rather the proposed roadway configuration was of concern.

Acting Development Services Director Steve Baxter stated if the land were sold to CVS Pharmacy for the driveway, it would create multiple problems. The site for the pharmacy created problems with traffic, fire safety, parks and recreation, and Development Services. Staff recommended the exchange of property be denied.

Greg Borgel, 300 South Fourth Street, Las Vegas, and **Scott Eaton from Lionel, Sawyer & Collins,** represented the applicant. Mr. Eaton stated the project began approximately one year ago when representatives from CVS Pharmacy approached the Redevelopment Agency regarding the corner of Lake Mead Boulevard and Civic Center Drive. The project would be a classic neighborhood drug store design with no liquor and no gaming. CVS left the Redevelopment Agency meeting believing they had a viable project with issues to be resolved. As a result of that meeting, they entered into escrow agreements with the property owners and began designing the project in earnest. Meetings with Staff and elected officials also began.

Mr. Eaton explained the location of Lake Mead Boulevard and Civic Center Drive was median bound. There was only right in and right out. CVS Pharmacy had determined its product did not work on a median bound site. The solution proposed to Council was access to and from Constitution Way. Several concerns had been raised by Staff including proper location of the connection, completion of a correct traffic analysis, reimbursement to the City for damages to the desert demonstration garden. Mr. Eaton stated if those were the only concerns before Council, CVS was prepared to work through them with Staff if the item were approved. He stated the driveway would be moved, a traffic analysis would be prepared and the City would be reimbursed for damages to the demonstration garden. If Council's concerns were more fundamental and they were not prepared to support the request, Mr. Eaton requested a vote of denial to enable escrow to be stopped and the project plans discontinued. He felt the request was relatively modest when compared to other requests involving the City's redevelopment area.

Mr. Borgel stated the site was challenging because of its unusual shape and very severe restrictions for access. CVS was a type of business that required ease of four directional access to be successful. Use of Constitution Way was the only way to obtain that access. Mr. Borgel stated if the additional traffic overburdened Constitution Way and it needed to be rebuilt, expanded, lanes added, re-signalized, CVS would invest the funds to accomplish those goals.

Councilman Buck stated she was against using Constitution Way and also cutting a roadway through the City's new desert demonstration garden. She thought there was a misunderstanding between her and Mr. Borgel in that he felt he had approval from Redevelopment and in speaking with them, Councilman Buck was told there was no

approval to create the road or cut through the demonstration garden. She had concerns with using the entrance to the City's jail and employee parking and utilizing it as a main road to get to a store. She felt it was not an appropriate location. She hoped CVS would find an alternate location in the redevelopment area for their project.

Councilwoman Smith felt the location had needed to be cleaned up for a long time. Approval of the item indicated the City's willingness to work together with CVS to develop a solution. If they were willing to make the necessary improvements and pay reparations for the demonstration garden, she felt it was in the best issue of the City.

Nancy Goldman, 2500 East Lake Mead Boulevard, North Las Vegas, stated she and her husband owned Civic Center Pet Clinic. She was in agreement with Councilwoman Smith that the corner was in need of improvement. The site had intentionally not been improved because the pharmacy project had been anticipated. She felt the use was desirable and necessary in the redevelopment area. Mrs. Goldman stated during the widening project of Lake Mead Boulevard, a driveway was taken. She was told access would be returned when the corner was developed. She also pointed out she had not been notified regarding the construction of the desert demonstration garden.

Vonne Chowning, 2015 Carroll Street, North Las Vegas, stated she and her husband had a vested interest in one of the parcels involved in the CVS project. She urged Council to work with project developers. The corner was very important in the City and it needed to be enhanced. The project would bring a great deal of benefit to the City by way of sales tax and increased tax base. She pointed out the residents in the area primarily walked to services and this type of store would provide a great help to area citizens.

City Manager Kurt Fritsch stated if the item were approved, full damages would be required to be repaid to the granting agency in the approximate amount of \$150,000.

Councilman Buck questioned if there were another alternative to using Constitution Way for access. Public Works Director Jim Bell stated there were two issues involved. One was the traffic issues. The other issues involved property issues and the involvement of the City Hall campus. From a traffic standpoint, the applicant was concerned the access he presently had to the site was inadequate for the site. Further, right in and right out access did not fully satisfy the needs. Further access was necessary and the applicant was in favor of more complete access along the left turn traffic on southbound Civic Center entering in through the City Hall complex driveway. Director Bell pointed out Constitution Way was not a roadway; it was a private driveway. With regards to traffic, the concern was the separation between the proposed driveway and Civic Center Drive was inadequate. Also, there would be two driveways in close proximity to each other. By having the driveway at the proposed location, it would impact the function of the City Hall campus as well as any future changes to the facilities. Director Bell pointed out without this access, the project could not move forward. Councilman Buck questioned if the issue with

Constitution Way was the length. Director Bell responded it was the issue because it was not a full commercial road. Widening the road would not alleviate the problem of vehicle stacking beyond the access point. In essence, it would create a driveway to a driveway which would change the character of the roadway. Fire Department access requirements would not be met as well. Director Bell pointed out there could be many more negative impacts than the development had proposed to solve. Assistant Director of Public Works Ray Burke added another issue was the submitted traffic study was possibly misleading in that it stated 50% of the traffic would be traveling down Civic Center Drive. He felt most of the service would be walk-ins. He stated he would ask for a determination of how they captured 50% of the traffic on Civic Center Drive. It was his estimation their market would be coming more from the east than the north. Mayor Montandon asked if Assistant Director Burke was saying their traffic numbers were too high, then the project would create less of an impact on Constitution Way. Assistant Director Burke clarified the need for full access might not be necessary if the traffic study gave more realistic statistics.

Mr. Borgel responded a traffic study had been completed and it revealed there would be no stacking problem on Constitution Way because the driveway would provide a third access to the property. It was however, critical access for the operation of the business. It was contemplated the other accesses would be primary for traffic. Mr. Borgel conceded if the traffic study did not satisfy the City, it would be redone. He also stated the City's demonstration garden would need to be purchased and the granting authority repaid. Mr. Borgel clarified they had never said the Redevelopment Agency approved the access to Constitution Way. CVS had met with Redevelopment Staff and had been strongly encouraged to move forward with the project. Mr. Eaton added it was understood there were more discussions needed regarding the project. They were seeking approval to move forward with finding an access point onto Constitution Way.

ACTION: ALLOW CVS TO MOVE FORWARD FOR PRIVATE ACCESS ON CONSTITUTION WAY

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, and Councilwoman Smith

NAYS: Mayor Pro Tempore Robinson, Council Members Buck and Eliason

ABSTAIN: None

ACTION: FURTHER ACTION FOR PRIVATE ACCESS ON CONSTITUTION WAY DENIED

MOTION: Councilman Buck

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Pro Tempore Robinson, Council Members Buck and Eliason

NAYS: Mayor Montandon and Councilwoman Smith

ABSTAIN: None

Mayor Montandon recessed the meeting at 9:12 p.m.

Mayor Montandon reconvened the meeting at 9:25 p.m.

27. **APPROVAL OF THE ADOPTION OF THE SOUTHERN NEVADA WATER SYSTEMS TITLE XVI AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS, CITY OF HENDERSON, CLARK COUNTY SANITATION DISTRICT AND LAS VEGAS VALLEY WATER DISTRICT IN AN AMOUNT NOT TO EXCEED \$20 MILLION FOR COLLECTIVE REIMBURSEMENT OF FEDERAL FUNDS PERTAINING TO THE CONSTRUCTION OF RECLAMATION FACILITIES AS PART OF THE SOUTHERN NEVADA WATER RECYCLING PROJECT IN WHICH THE CITY HAS A PROJECT IDENTIFIED AND ELIGIBLE FOR REIMBURSEMENT IN AN AMOUNT NOT TO EXCEED \$4 MILLION. (CNLV Contract No. C-5180)**

ACTION: APPROVED

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

28. **APPROVAL OF THE 2002-2003 AGREEMENT WITH THE ECONOMIC OPPORTUNITY BOARD OF CLARK COUNTY'S CHILD CARE ASSISTANCE DIVISION IN THE AMOUNT OF \$148,500 TO FUND CITY-WIDE BEFORE AND AFTER SCHOOL SERVICES FOR CHILDREN. (CNLV Contract No. C-5181)**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

29. **RESOLUTION NO. 2242; A RESOLUTION OF THE NORTH LAS VEGAS CITY COUNCIL ENACTING A MORATORIUM ON RESIDENTIAL DEVELOPMENT ON LOT AREAS OF LESS THAN 4,500 SQUARE FEET PROHIBITING THE ACCEPTANCE BY THE CITY OF PLANNED UNIT DEVELOPMENT APPLICATIONS FROM SEPTEMBER 4, 2002 UNTIL FEBRUARY 4, 2003 THAT EITHER: 1) INCLUDE A PRELIMINARY DEVELOPMENT PLAN THAT INDICATES RESIDENTIAL LOT AREAS OF LESS THAN 4,500 SQUARE FEET; OR 2) INCLUDE A PRELIMINARY DEVELOPMENT PLAN THAT DOES NOT INCLUDE INDIVIDUAL LOT AREAS, BUT INDICATES RESIDENTIAL UNIT DENSITIES OF GREATER THAN 6.0 UNITS PER GROSS ACRE.**

Resolution No. 2242 as introduced by the City Manager:

A RESOLUTION OF THE NORTH LAS VEGAS CITY COUNCIL ENACTING A MORATORIUM ON RESIDENTIAL DEVELOPMENT ON LOT AREAS OF LESS THAN 4,500 SQUARE FEET PROHIBITING THE ACCEPTANCE BY THE CITY OF PLANNED UNIT DEVELOPMENT APPLICATIONS FROM SEPTEMBER 4, 2002 UNTIL FEBRUARY 4, 2003 THAT EITHER: 1) INCLUDE A PRELIMINARY DEVELOPMENT PLAN THAT INDICATES RESIDENTIAL LOT AREAS OF LESS THAN 4,500 SQUARE FEET; OR 2) INCLUDE A PRELIMINARY DEVELOPMENT PLAN THAT DOES NOT INCLUDE INDIVIDUAL LOT AREAS, BUT INDICATES RESIDENTIAL UNIT DENSITIES OF GREATER THAN 6.0 UNITS PER GROSS ACRE.

Councilman Buck assumed the small lot design guidelines would be ready by February 4, 2003. She questioned what would happen if the guidelines were ready before that date. Acting Development Services Director Steve Baxter responded it would be brought before Council sooner if it were done. City Manager Kurt Fritsch stated the moratorium would be lifted when the guidelines were ready.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

ORDINANCES

INTRODUCTION ONLY

30. **ACCEPTANCE OF PETITIONS FOR ANNEXATION (ANNEXATION NO. 118); SUBMITTED BY DONALD L. DENMAN, MERLE BERMAN, AND LAWRENCE G. FISHER TO ANNEX APPROXIMATELY 30 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND SHATZ STREET. (ASSOCIATED ITEM NO. 31, ORDINANCE NO. 1704)**

ACTION: ACCEPTED

MOTION: Mayor Montandon

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

31. **ORDINANCE NO. 1704 (ANNEXATION NO. 118); AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 18, 2002) (ASSOCIATED ITEM NO. 30, ANNEXATION NO. 118)**

Ordinance No. 1704 as introduced by the City Manager:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES,

AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR SEPTEMBER 18, 2002

32. **ORDINANCE NO. 1705; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR APPROXIMATELY 20.30± ACRES GENERALLY LOCATED APPROXIMATELY 500 FEET NORTH OF ANN ROAD AND EAST OF REVERE STREET (ZN-98-02, SANTA ROSA) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR SEPTEMBER 18, 2002)**

Ordinance No. 1705 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR APPROXIMATELY 20.30± ACRES GENERALLY LOCATED APPROXIMATELY 500 FEET NORTH OF ANN ROAD AND EAST OF REVERE STREET (ZN-98-02, SANTA ROSA) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR SEPTEMBER 18, 2002

ORDINANCES

FINAL ACTION

33. **ORDINANCE NO. 1694; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE**

SOUTHWEST CORNER OF CRAIG ROAD AND KINGS HILL ROAD (ZN-90-02, CRAIG/KINGS HILL) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1694 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND KINGS HILL ROAD (ZN-90-02, CRAIG/KINGS HILL) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

34. ORDINANCE NO. 1695; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM MPC TO MPC/R-1 FOR PROPERTY GENERALLY LOCATED APPROXIMATELY 300 FEET NORTH OF ELKHORN ROAD AND EAST OF SIMMONS STREET (ZN-91-02, ACTIVE ADULT RECREATION CENTER) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1695 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM MPC TO MPC/R-1 FOR PROPERTY GENERALLY LOCATED APPROXIMATELY 300 FEET NORTH OF ELKHORN ROAD AND EAST OF SIMMONS STREET (ZN-91-02, ACTIVE

ADULT RECREATION CENTER) AND PROVIDING FOR
OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason

NAYS: None

ABSTAIN: None

35. ORDINANCE NO. 1696; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LA MADRE WAY AND SIMMONS STREET (ZN-93-02, AUTUMN CHASE PHASE III) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1696 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LA MADRE WAY AND SIMMONS STREET (ZN-93-02, AUTUMN CHASE PHASE III) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason

NAYS: None

ABSTAIN: None

36. ORDINANCE NO. 1697; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO PUD (ZN-95-02, ROME 20), FOR APPROXIMATELY 20.6± ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND GOLDFIELD STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1697 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO PUD (ZN-95-02, ROME 20), FOR APPROXIMATELY 20.6± ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND GOLDFIELD STREET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Acting Development Services Director Steve Baxter stated the application had been recommended for denial by Staff because the minimum lot size was less than 4,500 square feet. The Planning Commission recommended approval of the application.

Councilman Buck asked if there were any conditions that applied to this project in relation to the impending small lot design guidelines. Acting Director Baxter responded there may be some but it was not possible to make that determination because the small lot design guidelines had not yet been developed. Councilman Buck questioned if there were conditions imposed regarding elevations at the Planning Commission. Acting Director Baxter responded the Planning Commission did impose conditions of approval but not regarding specific elevations. Councilman Eliason stated those conditions of approval could be added. Mayor Montandon stated he received a packet that included four sided elevations, paint and tile schemes and asked if that packet could be added as a condition of approval for the Planned Unit Development. Acting Director Baxter responded they could. Councilman Buck asked if the elevations were four-sided. Mayor Montandon stated they were.

Councilman Eliason disclosed his brother was an employee of Centex Homes but felt the on-going business and personal relationship would not impair his ability to evaluate the application on its merits.

Mayor Montandon then asked Parks and Recreation Director Ken Albright to comment on

the open space requirements and amenities. Director Albright stated the City was hoping for a different configuration of the open space. The open space calculations met the City's requirements. Mr. Burns had agreed to provide a list of amenities. It was hoped there would be a reduction of some lots in the center that would create larger open spaces. The current design contained strip areas of pathways opening up to half basketball courts and picnic shade structures. It was essentially a walking trail type open space amenity provided in a Planned Unit Development. It was not the direction the City attempted to take the development in that there were no large open space areas.

Councilwoman Smith questioned the density of the small lot development discussed with Item No. 10. Acting Director Baxter responded approximately 7.5 to 8 units per acre. She then asked the size of the lots. Acting Director Baxter responded those lots were approximately 2,600. He added this application was similar but the density was higher at approximately 9.6 units per acre. She questioned why the density was higher.

Brad Burns, Real Homes, stated the location on the Comprehensive Plan was zoned for medium high density which allowed for eight to thirteen units to the acre. Over the 20.6 acre site, 180 units would be built, making the density 9.1.

Dean Rasmussen, 3068 East Sunset, Las Vegas, stated the required open space had been increased by 20% over code.

Councilman Buck stated she had spoken to Mr. Burns when she noticed the open space was in a long strip. She stated he responded he had met with Director Albright and he had approved the plan. Mr. Burns responded he had met with Director Albright several times and made several modifications. He stated they had come to a mutual agreement the plan would be acceptable. He was aware Director Albright's preference was a large open space but the current plan offered a paseo type development. Councilman Buck questioned whether there were faults running through the property that would warrant that design. Mr. Burns responded not to his knowledge. He added the design had been successful in different developments. Councilman Buck then asked if Mr. Burns was opposed to redesigning the open space areas to create the large central area. Mr. Burns responded that was not a requirement, it was a preference. He stated as the project was laid out, an alternate open space plan was not viable. Councilman Buck questioned how wide the paseo was. Mr. Burns responded approximately 80 feet at its widest point. Director Albright stated at the first meeting with Mr. Burns, he had expressed his desire for a large open area along the paseos. When the drawing was resubmitted, there were additional discussions, the disagreement could not be resolved. He maintained his position that a large open space area was necessary in areas where there many children.

Mayor Montandon stated he would be more comfortable approving the project if the number of lots were reduced to 178 and those lots be added to the open space in the middle of the project. Director Albright preferred adding four lots to the open space. Mayor

Montandon stated he was referring to the two lots adjacent to the half-basketball courts at the western boundary of the project. Director Albright believed that was an acceptable start. Mr. Burns agreed to reduce the lots to 178 and include the additional open space.

Councilwoman Smith voiced her concern Council was negotiating with developers at the podium. She questioned whether it would be better to continue the item for further discussions with Director Albright. Mr. Burns responded the lots were 85 feet deep with a minimum of 15 foot back yards. The average back yard would be 20 to 25 feet in depth. In addition to the backyard, the residents would have the paseo areas for recreation. Councilwoman Smith preferred a consensus between Director Albright and Mr. Burns. Mr. Burns requested a decision at this meeting. Councilman Eliason asked if the development was gated. Mr. Burns responded it was. Councilman Buck questioned if there was a homeowner's association. Mr. Burns stated it was required.

Acting Director Baxter reviewed some suggested conditions.

Mr. Burns stated he concurred with all additional conditions and would also give up the two lots as previously discussed.

ACTION: PASSED AND ADOPTED AS AMENDED; TWO ADDITIONAL LOTS TO BE ADDED TO THE OPEN SPACE REQUIREMENT.

- Approval of the project shall be consistent with renderings and color palettes submitted by the applicant (Exhibit A).
- There shall be a minimum of two roof lines per house.
- There shall not be more than two houses of the same elevation adjacent to each other.
- There shall be a minimum of four styles with three elevations each.
- There shall be four wall architectural detail.
- There shall be variegated roof color, two different tiles and three different roof colors.
- Triple coated stucco shall be used.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None
ABSTAIN: None

37. **ORDINANCE NO. 1698; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND FERRELL STREET (ZN-96-02, ALLEN AND TROPICAL) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1698 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND FERRELL STREET (ZN-96-02, ALLEN AND TROPICAL) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

38. **ORDINANCE NO. 1699 (CORRECTION TO ORDINANCE NO. 1669); AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE NUMBER 1553, 17.20.220.A.1. AND B. 1.A., RELATING TO THE MASTER PLAN OVERLAY ZONING DISTRICT TO REDUCE THE MINIMUM CONTIGUOUS ACRES TO 500 ACRES AND TO ALLOW MULTIPLE OWNERS UNDER MUTUAL AGREEMENT TO APPLY UNDER A SINGLE OWNERSHIP TO OBTAIN A MPC DESIGNATION AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 1699 as introduced by the City Manager:

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE NUMBER 1553, 17.20.220.A.1. AND B. 1.A., RELATING TO THE MASTER PLAN OVERLAY ZONING DISTRICT TO REDUCE THE MINIMUM CONTIGUOUS ACRES TO 500 ACRES AND TO ALLOW MULTIPLE OWNERS UNDER MUTUAL AGREEMENT TO APPLY UNDER A SINGLE OWNERSHIP TO OBTAIN A MPC DESIGNATION AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

39. **ORDINANCE NO. 1700; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM PUD TO R-EL FOR APPROXIMATELY 2.6± ACRES GENERALLY LOCATED SOUTH OF WASHBURN ROAD, APPROXIMATELY 320 FEET EAST OF CLAYTON STREET (ZN-97-02, PETE SHIELDS RESIDENTIAL) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1700 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM PUD TO R-EL FOR APPROXIMATELY 2.6± ACRES GENERALLY LOCATED SOUTH OF WASHBURN ROAD, APPROXIMATELY 320 FEET EAST OF CLAYTON STREET (ZN-97-02, PETE SHIELDS RESIDENTIAL) AND PROVIDING

FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason

NAYS: None

ABSTAIN: None

40. ORDINANCE NO. 1701; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LA MADRE WAY AND NORTH 5TH STREET (ZN-79-02, LA MADRE & 5TH) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1701 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO R-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LA MADRE WAY AND NORTH 5TH STREET (ZN-79-02, LA MADRE & 5TH) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason

NAYS: None

ABSTAIN: None

41. **ORDINANCE NO. 1703; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS APPROVING AN AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND ANN ALLEN, LLC DATED AUGUST 2, 2000 FOR THE DEVELOPMENT OF LAND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (CNLV Contract No. C-4746)**

Ordinance No. 1703 as introduced by the City Manager:

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS APPROVING AN AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND ANN ALLEN, LLC DATED AUGUST 2, 2000 FOR THE DEVELOPMENT OF LAND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

City Attorney Sean McGowan stated this was a proposed amendment that would extend the time, to September 16, 2002, for the developer to complete the fire station. The City was requesting security in the amount of \$150,000 securing the final performance in the form of cash or letter of credit. City Attorney McGowan stated the current agreement called for completion by August 2, 2002.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, Sam Ventura, 435 South Eastern Avenue, Las Vegas, and Arik Raiter, 2332 Henderson Terrace, Henderson represented Ann Allen, LLC. Mr. Garcia stated the fire station was substantially complete and inspections had been requested. It was their belief the \$150,000 was unnecessary because the heating/air conditioning unit had been installed and the electrical switch gear was on site and ready to be connected. There was \$86,000 in escrow that would be sufficient to complete the work that remained. They requested that amount match the amount in the construction control account.

Mayor Montandon stated the money in the construction control account was in an account at Nevada Construction Services where he worked but he had no knowledge of that process because it was unrelated to his job.

City Manager Kurt Fritsch mentioned the City did not have access to the construction control account because Brad Burns held title to the property. Having gone through a punch list containing over 60 items, it was determined the uncompleted work totaled approximately \$150,000. City Manager Fritsch stated a lien had been filed on this date against the project and a portion of the money in the construction control account could be used to satisfy the lien. The City had concerns regarding the successful completion of the

project and requiring the developer to secure \$150,000 was a very important element.

Mayor Montandon stated there was work to be done on the punch list that would cost the City nothing. There was also work on site that may have been paid for. It was for Council to determine a fair and equitable solution that would see the fire station through to completion.

Mr. Garcia stated given the substantial amount of work done to date, no commercial development could commence because of their own offer to complete the fire station. He stated there was much more than the dollar amount required if they did not complete the work.

Mayor Montandon stated this was a landmark development that allowed a private developer to create a fire station.

Sam Ventura stated Ann Allen LLC did not have a good relationship with the City. Ann Allen LLC had invested approximately \$750,000 as a donation to the City per the agreement with the City to receive commercial zoning. For two and a half years, many hours had been spent on the project. He asked what the \$150,000 would be security for. He explained three months ago, there was a meeting with the City where outstanding issues were discussed. Mr. Ventura stated \$49,000 over the contract amount had been spent. They requested a refund and had not heard from the City. He stated there was approximately \$60,000 in unpaid contracts which was approximately \$20,000 above what was in the contingency fund. He stated the lien had been cleared. He had reviewed the punch list and commented some of the items were not their responsibility. He estimated approximately \$5,000 was necessary to correct all the deficiencies. He stated they had spent great amounts of money and time and would not go away without fixing the problems. The 22 acres slated for commercial zoning could not be sold. He asked Council to forget the minor problems and accept the station. He felt the station was complete. He stated inspectors had signed off on the work and a re-inspection found minor items that needed to be corrected. Mr. Ventura stated it was unacceptable to require \$150,000 security. He felt no security was necessary and asked Council to trust them to complete what minor repairs were needed.

Mayor Pro Tempore Robinson questioned if the punch list had been created recently. City Manager Fritsch responded the list was prepared that day. Mayor Pro Tempore Robinson stated issues on the punch list were serious and needed to be addressed. Mr. Ventura pointed out all items on the list did not belong to them. Mayor Pro Tempore Robinson responded until the project was completed and accepted by the City, all items on the list were their responsibility to correct. City Manager Fritsch stated the City was aware all items were not theirs but it was estimated it would cost the City approximately \$150,000 to complete the project. There were items on the list from June 23, 2002 when a previous

punch list was completed with just Ann Allen LLC items. It appeared none of those items had been corrected. City Manager Fritsch pointed out the City had been to the site several times and was aware when there had been no contractors working. Regarding the \$49,000 claim against the City, City Manager Fritsch stated there were three items the City determined they would deal with at the end of the contract which was now in breach. It was the City's opinion the City did not owe the \$49,000 to Ann Allen LLC.

Brad Burns, 3606 North Rancho, Suite 102, Las Vegas, stated Centex Homes was the current land owner that Ann Allen LLC was building the fire station on. Centex Homes was a third party to the agreement and was signing off on vouchers for payment. He attested there was approximately \$46,000 remaining in the construction control account. The bulk of the line items paid were up to 90%. The remaining 10% of that line item was retained for contingency purposes or to require subcontractors to return to correct deficiencies contained on a punch list. Mr. Burns further explained the developer held back \$10,000. He stated there was \$36,000 left for paying subcontractors and \$10,000 that was payable to the general contractor. He stated he had not inspected the building so he was not aware of the completion level but the problems had created a negative impact on his business. He was in favor of approving the ordinance but had no comment in regards to the \$150,000 security.

Mr. Raiter contended there was \$46,000 in the construction control account for the electrical contractor, there was \$17,000 for the heating/air conditioning contractor, and there was \$25,000 held as retention. He stated the land the fire station was on belonged to Ann Allen LLC but was passed through Centex Homes. Mayor Montandon stated the property would belong to the City.

Councilwoman Smith stated she would trust Staff's facts and figures and felt the conditions agreed to in the beginning should be met to complete the project.

Mayor Montandon questioned if the developer could finish the project for less than the required \$150,000 could they have their money back. City Manager Fritsch stated the \$150,000 security was a guarantee the work would be completed even if the developer walked away from the project. He added the extension would run to September 16, 2002 but if they were moving forward with the project, more time could be arranged.

Mr. Raiter stated he had just received the latest punch list and it was not possible to estimate how much time was needed to complete all the corrections. He stated the switch gear and air conditioning units were ready to be installed. He added because of the underlying commercial zoning they would not walk away from the project.

Mayor Pro Tempore Robinson questioned who was responsible for the subcontractors. City Manager Fritsch responded the contract stated Ann Allen LLC would construct the

station to a certain point and then the City would finish it. The developer was responsible for the subcontractors until the City took over the project. Mr. Raiter stated the rough electrical was signed off on March 26, 2002. Then additional amenities were added. He stated the rough plumbing was signed off on May 2, 2002. He stated he had not received a punch list for four months. Mayor Pro Tempore Robinson agreed with Staff's assessment of the situation. Mr. Ventura asked how Staff justified the \$150,000 completion price for repairs. Mr. Raiter added the developer had no reason not to cooperate with the City. Councilwoman Smith stated the developer had incentive to complete the repairs quickly because when they were done, the money would be released. Mr. Raiter felt they were done. Mayor Pro Tempore Robinson asked why the project was not completed on schedule. Mr. Raiter stated the work had been completed months ago. City Manager Fritsch stated months had gone by with no work taking place. The heating and ventilation units were only recently received. They were not calling for inspections so the City was not inspecting the site. The developers were given a punch list on June 22, 2002 and no corrections had been made to date. Mr. Raiter showed pictures of the fire station. City Manager Fritsch stated the pictures did not give an accurate portrayal of the condition of the interior of the building. Mr. Raiter stated they had spent \$750,000 and had received nothing in return.

Mayor Montandon stated the amount of security required would be in addition to the amount in the construction control account. City Attorney McGowan clarified the \$150,000 required would be in addition to the amount in the construction control account. He stated the money would be used for correction work as well as to pay a lien and any subsequent liens. He added that, if Mr. Ventura would not sign the agreement as offered or as amended, the original contract would remain in force. That contract was now in breach and the time to cure would end September 5, 2002. In the two weeks before the next Council meeting, the City would determine the course of action it would take. More time could be allowed for completion but it was not recommended the security be reduced.

Mr. Garcia asked for additional time to review the punch list and evaluate the cost of each item. He felt the developer had made substantial good faith efforts to complete the project. He requested a two week continuance. City Attorney McGowan stated there would be a de facto two week extension by declining to accept the amendment as offered. Mayor Montandon questioned if a two week continuance were approved, if the project would be in default. City Attorney McGowan stated the project was already in default; the time to cure would be over as well. City Manager Fritsch questioned if City Attorney McGowan recommended a two week continuance or if he recommended waiting to see if Mr. Ventura would sign the amendment. City Attorney McGowan stated he preferred to wait and see if Mr. Ventura would sign the amendment.

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason
NAYS: Mayor Montandon
ABSTAIN: None

APPOINTMENTS

42. APPOINTMENT OF AN ALTERNATE TO THE CLARK COUNTY COMMUNITY DEVELOPMENT ADVISORY COMMITTEE FOR A ONE YEAR TERM TO EXPIRE SEPTEMBER 6, 2003. (TABLED AUGUST 21, 2002)

ACTION: KENNETH MOYER APPOINTED FOR THE TERM EXPIRING SEPTEMBER 6, 2003

MOTION: Councilman Buck
SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason
NAYS: None
ABSTAIN: None

COUNCIL ITEMS

There were no additional Council items.

CITY MANAGER'S REPORT

No report was given.

PUBLIC FORUM

Philip Lobosco inquired about the procedure for obtaining a license to operate a hot dog stand.

Leroy Pasbrig thanked the staff of Public Works for repairing a handicapped access ramp.

He also felt that car allowances should not be utilized by City Council members.

Joe Austin spoke of arbitration and litigation issues.

Mike Winne spoke of issues regarding the Ann-Allen Fire Station. He also felt it was unfair that developers and business representatives were allowed more time to speak than the public.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 10:50 P.M.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

APPROVED: October 2, 2002

/s/ Michael L. Montandon
Mayor Michael L. Montandon

Attest:

/s/ Eileen M. Sevigny
Eileen M. Sevigny, CMC, City Clerk