

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

September 6, 2006

Website - <http://www.cityofnorthlasvegas.com>

CITY COUNCIL MEETING

CALL TO ORDER

6:03 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 L. Eliason

STAFF PRESENT

City Manager Gregory Rose
Assistant City Manager Sam Chambers
Assistant City Manager Maryann Ustick
City Attorney Sean McGowan
City Clerk Karen Storms
Communications Director Brenda Johnson
Economic Development Director Mike Majewski
Finance Director Philip Stoeckinger
Fire Chief Al Gillespie
General Services Director Eric Dabney

Acting Human Resources Director Mike Scalzi
Information Technology Director Steve Chapin
Park and Recreation Director Mike Henley
Planning and Zoning Director Jory Stewart
Police Chief Mark Paresi
Acting Public Works Director Qiong Liu
Utilities Director David Bereskin
Planning and Zoning Manager Marc Jordan
Executive Assistant to the City Manager Kenny Young
State Legislative Affairs Officer Kimberly McDonald
Deputy City Clerk Marie Purcell

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Karen L. Storms, CMC
City Clerk

INVOCATION

Pastor Jerald Mason
Vegas View Church

PLEDGE OF ALLEGIANCE

Boy Scout Troop #233, Troop #875 and Patch Club Home Schooling Group

PUBLIC FORUM

Ty Riley, 4015 Benevolent Drive, North Las Vegas, spoke about juvenile problems with his children.

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF SEPTEMBER 6, 2006.

ACTION: APPROVED AS AMENDED: ITEM NO. 5 CONTINUED TO SEPTEMBER 20, 2006; ITEM NOS. 3, 4 AND 41 CONTINUED TO OCTOBER 4, 2006. ITEM NO. 46 TABLED TO OCTOBER 4, 2006.

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

PUBLIC HEARINGS - 6:15 P.M.

2. AN APPEAL SUBMITTED BY JENNIFER LAZOVICH, KUMMER KAEMPFER BONNER RENSHAW & FERRARIO, ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO DENY T-1251 (VALLEY/LA MADRE); AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES ON BEHALF OF ALLAY INVESTMENTS, LLC, PROPERTY OWNER, FOR A 45-LOT RESIDENTIAL TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT

(PROPOSED R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT) ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF VALLEY DRIVE AND LA MADRE WAY. (CONTINUED JUNE 21, JULY 19 AND AUGUST 16, 2006)

Mayor Montandon opened the Public Hearing.

Planning and Zoning Director Stewart stated applicant had provided Staff with a memorandum of revised conditions.

Jennifer Lazovich, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of the applicant and stated a memorandum had been submitted to Staff with the revised conditions.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION OVERTURNED; T-1251 APPROVED AS AMENDED:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. Approval of a drainage study is required prior to submittal of the civil improvement plans.
3. Acceptance of this Tentative Map shall not be construed to be approval of any proposed flood control facilities or concepts; approval of any flood control facilities are contingent upon the approval of the Technical Drainage Study for the development.
4. The required flood control facility shall be placed underground.
5. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works. The *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk* may be required.
6. Emergency access driveways shall be constructed per *Clark County Area Uniform Standard Drawing No. 226*.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance will require modifications to the site.

9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Valley Drive.
10. The property owner is required to grant roadway easements where public and private streets intersect.
11. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
14. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
17. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
18. Proposed residential driveway slopes shall not exceed twelve percent (12%).
19. All common elements shall be labeled and are to be maintained by the Home Owners Association.
20. The applicant shall provide a standard cul-de-sac at the westerly end of Peloton Avenue.
21. A minimum lot size of 8,250 square feet shall be maintained along the northern boundary of the site, adjacent to the flood control facility.
22. No access to the site from Rosada Way shall be allowed.
23. An intense landscape buffer area, a minimum of ten (10) feet in width, shall be provided along Valley Drive and Rosada Way. The intense landscape buffer shall

consist of 36-inch box trees, spaced fifteen (15) feet on center, and 80% live plant material, not including the trees.

24. The homes on Lots 3, 4, 5 and 6 shall be single-story.

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

3. **AN APPEAL SUBMITTED BY GEORGE GARCIA, ON BEHALF OF THE PROPERTY OWNER, OF THE DECISION OF THE PLANNING COMMISSION TO DENY VN-15-06 (NORTH 5TH & REGENA); AN APPLICATION SUBMITTED BY SIEMPRE, LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 12-FOOT BUILDING SETBACK, WHERE 20 FEET IS REQUIRED ALONG NORTH 5TH STREET ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND REGENA AVENUE. (CONTINUED AUGUST 2, 2006)**

ACTION: CONTINUED TO OCTOBER 4, 2006

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. **AMP-32-06 (MARBELLA); AN APPLICATION SUBMITTED BY MM GROUP, LLC, ON BEHALF OF RICHARD & FELICIA POWELL AND EAGLE 7 PROPERTIES, LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO HDR HIGH DENSITY RESIDENTIAL ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND AZURE AVENUE. (CONTINUED AUGUST 2 AND AUGUST 16, 2006) (ASSOCIATED ITEM NO. 41, ORDINANCE NO. 2300)**

ACTION: CONTINUED TO OCTOBER 4, 2006

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

5. AN APPEAL SUBMITTED BY JENNIFER LAZOVICH, KUMMER KAEMPFER BONNER RENSHAW & FERRARIO, ON BEHALF OF THE APPLICANT, OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE SPR-29-06 (CANNERY CORNER); AN APPLICATION SUBMITTED BY TERRITORY, INC., ON BEHALF OF SAM'S WEST, INC., PROPERTY OWNER, FOR A MAJOR SITE PLAN REVIEW IN A C-2 GENERAL COMMERCIAL DISTRICT ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND LOSEE ROAD.

ACTION: CONTINUED TO SEPTEMBER 20, 2006

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

6. AMP-33-06 (NLV COMMUNITY); AN APPLICATION SUBMITTED BY NOVEMBER 2005 LAND INVESTORS, LLC, AND DRHI, INC., PROPERTY OWNERS, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS, TO MAKE THE FOLLOWING REVISIONS TO THE 2074-ACRE EASTERN PORTION OF THE NORTH LAS VEGAS MASTER PLANNED COMMUNITY FOR EAST/WEST STREETS: WHISPERING SANDS DRIVE - DELETE FROM SCOTT ROBINSON BOULEVARD TO LOSEE ROAD. ADD FROM CLAYTON STREET TO REVERE STREET ON REVISED ALIGNMENT (60' ROW); SEVERANCE LANE - DELETE FROM CLAYTON STREET TO COMMERCE STREET. ADD FROM COLETTE STREET TO LOSEE ROAD ON NEW ALIGNMENT (80' ROW); DORRELL LANE - REALIGN FROM CLAYTON STREET TO REVERE STREET. DELETE FROM DONNA STREET TO LOSEE ROAD. ADD FROM DONNA STREET TO CONNECT TO DEER SPRINGS WAY ON REVISED ALIGNMENT (80' ROW); FARM ROAD - DELETE FROM CLAYTON STREET TO SCOTT ROBINSON BOULEVARD; ELKHORN ROAD/FARM ROAD - DELETE FROM REVERE STREET TO COMMERCE STREET. ADD FROM REVERE STREET TO LOSEE ROAD ON REVISED ALIGNMENT (100' ROW). REALIGN FROM CLAYTON STREET TO REVERE STREET; RIVANNA DRIVE NORTH - ADD FROM NORTH 5TH STREET TO ELKHORN ROAD (60' ROW); RIVANNA DRIVE SOUTH - ADD SOUTH LOOP ROAD FROM ELKHORN ROAD TO ELKHORN ROAD (60' ROW). THE FOLLOWING REVISIONS WILL BE MADE FOR NORTH/SOUTH STREETS: CLAYTON STREET/HIGHLAND DRIVE - REMOVE FROM CLARK COUNTY 215 BELTWAY TO GRAND TETON DRIVE; CLAYTON STREET - ADD ON NEW ALIGNMENT FROM CLARK COUNTY 215 BELTWAY TO GRAND TETON DRIVE (80' ROW); SCOTT ROBINSON BOULEVARD - REMOVE FROM WHISPERING SANDS DRIVE TO GRAND TETON DRIVE; CONCORD STREET - REMOVE FROM DEER SPRINGS WAY TO DORRELL LANE. REMOVE FROM SEVERANCE LANE TO GRAND TETON

DRIVE; GLIDING EAGLE - ADD FROM DEER SPRINGS WAY TO DORRELL LANE (60' ROW). ADD ON NEW ALIGNMENT FROM ELKHORN / FARM ROAD TO WHISPERING SANDS DRIVE (60' ROW); REVERE STREET - REMOVE FROM DORRELL LANE TO GRAND TETON DRIVE. ADD FROM DORRELL LANE TO SOUTH OF CLARK COUNTY 215 BELTWAY (100' ROW). ADD FROM SOUTH OF CLARK COUNTY 215 BELTWAY TO ELKHORN/ FARM ROAD (120' ROW). ADD ON REVISED ALIGNMENT FROM ELKHORN / FARM ROAD TO GRAND TETON DRIVE (100' ROW); ENGLESTAD STREET - REMOVE FROM SEVERANCE LANE TO GRAND TETON DRIVE; COMMERCE STREET - REMOVE FROM SOUTH OF CLARK COUNTY 215 BELTWAY TO GRAND TETON DRIVE; GOLDFIELD STREET - REMOVE FROM WHISPERING SANDS DRIVE TO GRAND TETON DRIVE; NORTH 5TH STREET - REMOVE FROM WHISPERING SANDS DRIVE TO GRAND TETON DRIVE. ADD FROM DORRELL LANE TO GRAND TETON DRIVE (150' ROW); DONNA STREET REMOVE FROM DEER SPRINGS WAY TO DORRELL LANE. REMOVE FROM WHISPERING SANDS DRIVE TO GRAND TETON DRIVE; BRUCE STREET - REMOVE FROM DEER SPRINGS WAY TO DORRELL LANE. REMOVE FROM WHISPERING SANDS DRIVE TO GRAND TETON DRIVE. ADD FROM RIVANNA DRIVE NORTH TO GRAND TETON DRIVE ON REVISED ALIGNMENT (60' ROW); LAWRENCE STREET - REMOVE FROM DEER SPRINGS WAY TO DORRELL LANE. REMOVE FROM WHISPERING SANDS DRIVE TO GRAND TETON DRIVE; COLETTE STREET - ADD FROM ELKHORN / FARM ROAD TO NORTH OF CLARK COUNTY 215 BELTWAY ON NEW ALIGNMENT (80' ROW).

Mayor Montandon opened the Public Hearing.

Robert Gronauer, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of the applicant to ensure the application had been approved as submitted without the issue of the Commerce Street bridge alignment. Mayor Montandon confirmed a Commerce Street bridge would not have to be built over the Clark County 215 Beltway.

Councilman Eliason asked Mr. Gronauer if the developer would build roadway for the Clayton Street alignment up to the Clark County 215 Beltway on both the south and north sides, and he responded the developer would.

Mayor Montandon closed the Public Hearing.

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

7. **AMP-36-06 (DEL NORTE HOMES); AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL, ON BEHALF OF RIO PLAZA, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL, MDR MEDIUM DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL TO MDR MEDIUM DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED APPROXIMATELY 90 FEET EAST OF CAMINO AL NORTE AND SOUTH OF RANCHO DEL NORTE DRIVE. (ASSOCIATED ITEM NO. 43, ORDINANCE NO. 2302)**

Mayor Montandon opened the Public Hearing.

Planning and Zoning Director Stewart stated the proposed application would allow the applicant to develop eleven single family detached homes on an irregular shaped lot within the neighborhood. The homes would be designed to minimize impact to the adjoining street right-of-way by use of one driveway for two lots. Director Stewart explained the lot was vacant and difficult to develop because of the irregular shape; therefore, Staff felt the site plan was appropriate for this unique situation.

Director Stewart advised Staff and the Planning Commission recommended approval.

Robert Gronauer, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of the applicant and concurred with Staff's recommendations.

Mayor Montandon closed the Public Hearing.

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

8. **VAC-11-06 (RACEWAY BUSINESS PARK); AN APPLICATION SUBMITTED BY CROSS CREEK DEVELOPMENT, LLC, PROPERTY OWNER, TO VACATE A 63-FOOT-WIDE PORTION OF SHATZ STREET COMMENCING AT ANN ROAD AND PROCEEDING NORTH APPROXIMATELY 1,257 FEET TO EL CAMPO GRANDE AVENUE.**

Mayor Montandon opened the Public Hearing.

Acting Public Works Director Liu advised the Public Works Department recommended approval.

Ernest Freggiaro, Integrity Engineering, 2480 E. Tompkins Avenue #232, Las Vegas, appeared on behalf of the property owner and expressed appreciation for Council's approval.

Mayor Mondandon closed the Public Hearing.

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

9. VAC-12-06 (G&M DEVELOPMENT); AN APPLICATION SUBMITTED BY DELUNA, INC., ON BEHALF OF G&M DEVELOPMENT, INC., PROPERTY OWNER, TO VACATE APPROXIMATELY 111 FEET OF CARROLL STREET RIGHT-OF-WAY COMMENCING APPROXIMATELY 106 FEET NORTH OF CAREY AVENUE AND PROCEEDING NORTH APPROXIMATELY 111 FEET.

Mayor Montandon opened the Public Hearing.

Acting Public Works Director Liu advised the Public Works Department recommended approval.

Mayor Mondandon closed the Public Hearing.

ACTION: APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the City shall retain a public utility easement for the entire area to be vacated.
2. No building, structures, fences or trees shall be placed upon or under said parcel of land to be vacated now or hereafter.
3. Southwest gas corporation shall not be liable for any damages to any of the improvements placed within said easement due to normal or necessary operation using reasonable care.

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

CONSENT AGENDA

10. APPROVAL OF PRIVILEGED LICENSES:

<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>ACTIVITY</u>
<u>NEW LIQUOR & GAMING</u>		
1. Parkway Restaurants, LLC Adam Corrigan, M/M 75%. DBA: Maize 6929 Aliante Parkway North Las Vegas, Nevada 89084	LIQUOR	General On-Sale
	<u>Police Investigations Completed</u> <u>Pending Final Building & Fire Inspections</u>	
2. Garcia's Mexican Restaurant LLC Ramiro Garcia, Ptnr 50% DBA: Garcia's Mexican Restaurant 775 W Craig Rd, Ste # 148 North Las Vegas, Nevada 89032	LIQUOR	Beer & Wine On-Sale
	<u>Police Investigations Completed</u> <u>Pending Final Building & Fire Inspections</u>	
<u>CHANGE OF OWNERSHIP LIQUOR</u>		
3. CVS Pharmacy Inc Zenon Lankowsky, Pres DBA: CVS Pharmacy #2989 4755 W Ann Rd North Las Vegas, Nevada 89031	LIQUOR	General Off-Sale/ Packaged Liquor
	<u>Police Investigations Completed</u>	

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

11. AMP-38-06 (NORTHGATE PHASE I); AN APPLICATION SUBMITTED BY DIAMOND LAMB, LLC, ET AL, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF INDUSTRIAL TO REGIONAL COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF TROPICAL PARKWAY AND MARION DRIVE. (SET PUBLIC HEARING FOR SEPTEMBER 20, 2006)

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 20, 2006

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

12. UN-85-06 (U.S. FOODSERVICE, INC.); AN APPLICATION SUBMITTED BY U.S. FOODSERVICE, INC., PROPERTY OWNER, FOR A USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW HAZARDOUS MATERIALS (ANHYDROUS AMMONIA) IN ASSOCIATION WITH AN EXPANSION OF COLD STORAGE ON PROPERTY LOCATED AT 1685 WEST CHEYENNE AVENUE. (SET PUBLIC HEARING FOR SEPTEMBER 20, 2006)

ACTION: PUBLIC HEARING SET FOR SEPTEMBER 20, 2006

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

13. UN-03-04 (TAVERN @ LAKE VIEW CENTER); AN APPLICATION SUBMITTED BY SIMMONS ASSOCIATES, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME ON A SPECIAL USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN/RESTAURANT ON PROPERTY LOCATED AT 2795 WEST LAKE MEAD BOULEVARD. (SET PUBLIC HEARING FOR OCTOBER 4, 2006)

ACTION: PUBLIC HEARING SET FOR OCTOBER 4, 2006

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

14. VAC-15-06 (RANCHO MIRAGE UNIT 3); AN APPLICATION SUBMITTED BY CORNERSTONE PRINCIPLES, INC., PROPERTY OWNER, TO VACATE A PORTION OF OASIS RIDGE STREET AT THE INTERSECTION OF PARK

ROYAL DRIVE (A TOTAL OF 611 SQUARE FEET). (SET PUBLIC HEARING FOR OCTOBER 4, 2006)

ACTION: PUBLIC HEARING SET FOR OCTOBER 4, 2006

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

BUSINESS

15. PRESENTATION BY THE NEVADA LEAGUE OF CITIES & MUNICIPALITIES ON THE 2007 PROPOSED LEGISLATIVE COMPACT AND LEGISLATIVE PACKAGE FOR THE 2007 NEVADA LEGISLATURE.

J. David Fraser, Executive Director, Nevada League of Cities and Municipalities, 310 S. Curry Street, Carson City, expressed appreciation to the City for allowing Councilwoman Stephanie Smith to serve as President of Nevada League of Cities and Municipalities (NLC&M).

Mr. Fraser presented two documents in preparation for the 2007 Nevada Legislature: (1) Proposed Legislative Compact, and (2) Proposed Legislative Package (Bill Draft Proposals).

He explained the Proposed Legislative Compact was a pro-active, legislative position statement for the preservation and enhancement of local municipal authority and flexibility which regarded the following areas: financial stability, taxation, economic development and redevelopment, government operations, labor/management, public safety and development and growth. He stated the Proposed 2007 Legislative Package consisted of legislative proposals.

Mr. Fraser advised on July 14, 2006, the NLC&M Board of Directors approved both documents to be submitted to NLC&M member entities. The members of the League of Cities included all the incorporated cities in the State of Nevada, many unincorporated towns, and one 15,000 resident homeowners' association. Final approval of both documents would be received on October 7, 2006, at the annual business meeting at Incline Village.

Mr. Fraser stated there was one late addition to the Bill Draft Request list, requested by the City of Las Vegas, to raise the cap on interlocal agreements and contracts for services from \$2,000 to \$25,000.

ACTION: PRESENTATION GIVEN

16. **AUTHORIZATION TO ISSUE A PURCHASE ORDER TO HAAKER EQUIPMENT COMPANY IN THE AMOUNT OF \$925,000, USING THE COMPETITIVE BIDDING EXCEPTION PER NRS 332 LOCAL GOVERNMENT PURCHASING ACT, FOR FIVE WATERLESS BROOM STREET SWEEPERS TO BE UTILIZED IN THE PUBLIC WORKS DEPARTMENT.**

ACTION: APPROVED

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

17. **APPROVAL OF ADMINISTRATIVE SETTLEMENT FOR RIGHT-OF-WAY ACQUISITION FROM CAROL PAPPAS, PROPERTY OWNER, FOR A PARTIAL ACQUISITION OF APNS 124-33-501-018, 124-33-501-019, 124-33-501-020 AND 124-33-501-021, IN THE AMOUNT OF \$800,000 TO BE FUNDED BY THE REGIONAL TRANSPORTATION COMMISSION AND THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT, FOR PROPERTY NEEDED TO CONSTRUCT THE SIMMONS STREET FLOOD CONTROL CHANNEL AND THE ANN ROAD IMPROVEMENT PROJECT.**

ACTION: DENIED

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

City Attorney McGowan explained a trial had been conducted and the City had offered to pay the jury verdict of \$367,000. The property owner had felt the case was worth from \$950,000 to \$1.3 million; therefore, the property owner sought a new trial.

18. **APPROVAL OF THE FOURTH SUPPLEMENTAL INTERLOCAL CONTRACT (NO. NLV16A00) WITH THE CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE SIMMONS STREET CHANNEL PROJECT LOCATED BETWEEN CENTENNIAL PARKWAY AND THE WESTERN TRIBUTARY OF THE LAS VEGAS WASH, WHICH REQUIRES THE ITEMS COVERED IN SECTION II - PROJECT COSTS NOT TO EXCEED A TOTAL OF \$1,040,500; ENGINEERING AND DESIGN COSTS NOT TO EXCEED \$470,000; AND RIGHT-OF-WAY COSTS**

**NOT TO EXCEED \$570,500, TO BE COMPLETED BY DECEMBER 31, 2007.
(CNLV CONTRACT NO. C-4753)**

ACTION: APPROVED

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

**19. APPROVAL OF AN INTERLOCAL AGREEMENT (CONTRACT NO. 533) WITH
THE REGIONAL TRANSPORTATION COMMISSION FOR ENTITY NON-
PROJECT SPECIFIC EXPENSES, WHICH REQUIRES THE ITEMS COVERED IN
SECTION II - PROJECT COSTS NOT TO EXCEED A TOTAL OF \$120,000 FOR
REIMBURSEMENT FROM THE PERIOD OF JULY 1, 2006 TO JUNE 30, 2007.
(CNLV CONTRACT NO. C-6396)**

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

**20. APPROVAL OF AN INTERLOCAL CONTRACT (CONTRACT NO. 538) BETWEEN
THE CITIES OF NORTH LAS VEGAS, LAS VEGAS, HENDERSON, CLARK
COUNTY AND THE REGIONAL TRANSPORTATION COMMISSION FOR THE
2006-2007 TRAFFIC CAPACITY AND SAFETY IMPROVEMENT PROJECTS,
WHICH REQUIRES THE ITEMS COVERED IN SECTION II - PROJECT COSTS
NOT TO EXCEED A TOTAL OF \$5,250,000, TO BE COMPLETED BY JULY 1,
2008. (CNLV CONTRACT NO. C-6397)**

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

21. APPROVAL OF AN INTERLOCAL CONTRACT (CONTRACT NO. 539) WITH THE

REGIONAL TRANSPORTATION COMMISSION FOR THE OFFSITE IMPROVEMENTS ADJACENT TO REGIONAL FLOOD CONTROL DISTRICT DETENTION BASIN PROJECTS, FISCAL YEAR 2006-2007 PROJECT, WHICH REQUIRES THE ITEMS COVERED IN SECTION II - PROJECT COSTS NOT TO EXCEED A TOTAL OF \$500,000. (CNLV CONTRACT NO. C-6398)

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

22. APPROVAL TO PROCEED WITH THE FINAL DESIGN, RIGHT-OF-WAY ACQUISITION AND RELOCATION SERVICES FOR THE NORTH 5TH STREET IMPROVEMENTS PROJECT FROM OWENS AVENUE THROUGH CHEYENNE AVENUE, TERMINATING AT COLTON AVENUE.

Acting Public Works Director Liu advised the Public Works Department recommended approval.

Councilman Buck asked City Attorney McGowan if Council would need to approve use of eminent domain. City Attorney McGowan stated a willing seller and willing buyer context would first be attempted for acquisition of the properties. However, if some property owners were unwilling to sell, approval would then be requested from Council for use of eminent domain.

ACTION: APPROVED

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

23. REJECTION OF THE CONSTRUCTION OF A PROPOSED COMPRESSED NATURAL GAS FUEL FACILITY LOCATED AT 6820 NORTH DECATUR BOULEVARD, AT DEER SPRINGS AND TERMINATION OF THE AREA-WIDE

NATURAL GAS FUELING SYSTEM INTERLOCAL AGREEMENT WITH THE REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA.

ACTION: REJECTED

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

24. **APPROVAL OF INTERFUND TRANSFERS FROM THE GENERAL FUND IN THE TOTAL AMOUNT OF \$19 MILLION; \$10 MILLION TO THE MUNICIPAL FACILITY FUND; \$5 MILLION TO THE REDEVELOPMENT FUND; \$2 MILLION TO THE VEHICLE REPLACEMENT FUND; AND \$2 MILLION TO THE SELF-INSURANCE WORKERS COMPENSATION FUND FOR THE PURPOSE OF ACCUMULATING RESOURCES TO FUND CAPITAL FACILITIES, INVEST IN THE CENTRAL REDEVELOPMENT AREA, FUND FUTURE VEHICLE REPLACEMENTS AND FOR PROJECTED LIABILITIES.**

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

25. **AMENDMENT TO THE FY 06-07 POLICE DEPARTMENT GENERAL FUND OPERATING BUDGET IN THE AMOUNT OF \$44,250 FOR EXPENSES RELATED TO THE PROCUREMENT OF JOB ANALYSES AND TEST DEVELOPMENT SERVICES FOR POLICE OFFICER AND CORRECTIONS OFFICER CLASSIFICATIONS.**

ACTION: BUDGET AMENDED

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

26. AUTHORIZATION TO ISSUE A PURCHASE ORDER TO MOTOROLA, INC. IN AN AMOUNT NOT TO EXCEED \$39,000, USING THE COMPETITIVE BIDDING EXCEPTION PER NRS 332 LOCAL GOVERNMENT PURCHASING ACT, FOR THE ACQUISITION OF RADIO EQUIPMENT TO BE UTILIZED BY THE POLICE DEPARTMENT.

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

27. APPROVAL OF AN AGREEMENT WITH DLT SOLUTIONS, INC. IN THE AMOUNT OF \$162,453.50, FOR THE PURCHASE OF AUTODESK PRODUCTS AND SERVICES TO PROVIDE CENTRALIZED AND SECURE ACCESS TO INFORMATION FOR USE IN PLANNING, DESIGN, OPERATION AND MAINTENANCE OF CITY UTILITIES IN THE UTILITIES DEPARTMENT. (CNLV CONTRACT NO. C-6394)

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

28. AUTHORIZE PURCHASE OF UTILITY BILL PRINTING AND MAILING

EQUIPMENT IN THE AMOUNT OF \$111,467, USING THE COMPETITIVE BIDDING EXCEPTION PER NRS 332 LOCAL GOVERNMENT PURCHASING ACT, FOR COMPUTER EQUIPMENT AND SOFTWARE TO PROCESS AND PRINT UTILITY BILLS IN THE UTILITIES DEPARTMENT.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

29. AWARD OF BID NUMBER B-1241 TO MEADOW VALLEY CONTRACTORS, INC. IN THE TOTAL AMOUNT OF \$5,950,006.75; \$1,371,777.28 FROM SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT AND \$4,578,229.47 FROM PARK DISTRICT FUND FOR THE LAS VEGAS WASH TRAIL HEAD AND SANDSTONE RIDGE PARK. (CNLV CONTRACT NO. C-6399)

ACTION: BID AWARDED

MOTION: Councilman Eliason

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

30. AWARD OF BID NUMBER B-1242 TO JBM UNDERGROUND IN THE AMOUNT OF \$138,300 TO CONSTRUCT A WATER PIPELINE ON MARION DRIVE BETWEEN CHEYENNE AVENUE AND COLTON AVENUE. (CNLV CONTRACT NO. C-6400)

ACTION: BID AWARDED

MOTION: Councilman Eliason

SECOND: Councilwoman Smith

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

NAYS: None

ABSTAIN: None

31. AWARD OF BID NUMBER B-1248 TO FRIENDLY FORD IN THE AMOUNT OF \$706,860 FOR THE PURCHASE OF THIRTY SEDANS FOR THE POLICE DEPARTMENT.

ACTION: BID AWARDED

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

32. AWARD OF BID NUMBER B-1249 TO JONES WEST FORD IN THE AMOUNT OF \$554,544 FOR THE PURCHASE OF THIRTY-SIX COMPACT PICK-UP TRUCKS TO BE UTILIZED BY VARIOUS CITY DEPARTMENTS.

ACTION: BID AWARDED

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

33. RESOLUTION NO. 2356; A RESOLUTION MAKING A PROVISIONAL ORDER FOR THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT IN NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 62 (CLAYTON STREET - CRAIG ROAD TO LONE MOUNTAIN ROAD); AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT.

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

34. RESOLUTION NO. 2357; A RESOLUTION OF THE CITY OF NORTH LAS VEGAS PROVIDING FOR THE APPOINTMENT, TERMS, AND REMOVAL OF MEMBERS OF THE NORTH LAS VEGAS LIBRARY DISTRICT BOARD OF TRUSTEES; REPEALING RESOLUTION NO. 2282.

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

ORDINANCES
FINAL ACTION

35. ORDINANCE NO. 2278; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-08-06), TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.24.140(H) TO ALLOW UP TO A TWENTY PERCENT (20%) REDUCTION IN PARKING FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS LOCATED WITHIN A HALF MILE OF ANY EXISTING OR PLANNED BUS RAPID TRANSIT (BRT) OR LIGHT RAIL TRANSIT (LRT) STOP, WITH AN INCREASE IN OPEN SPACE OF 100 SQUARE FEET FOR EACH REDUCED PARKING SPACE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED JUNE 7, AUGUST 2 AND AUGUST 16, 2006)

Ordinance No. 2278 as introduced by the City Manager:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-08-06), TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.24.140(H) TO ALLOW UP TO A TWENTY PERCENT (20%) REDUCTION IN PARKING FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS LOCATED WITHIN A HALF MILE OF ANY EXISTING OR PLANNED BUS RAPID TRANSIT (BRT) OR LIGHT RAIL TRANSIT (LRT) STOP, WITH AN INCREASE IN OPEN SPACE OF 100 SQUARE FEET FOR EACH REDUCED PARKING SPACE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Planning and Zoning Director Jory Stewart advised the Planning Commission recommended approval of the proposed amendment to the zoning ordinance which allowed up to a maximum 20% reduction in the number of required parking spaces for multi-family residential developments located within a half mile of an existing or planned bus rapid transit (BRT) or light rail transit (LRT) stop. The ordinance included multi-family developments as well as commercial developments. The requirement included increased open space to the development for every parking space removed. The Planning Commission had added the provision of a parking study and recommendation from the traffic engineer; and possibly a recommendation from the Traffic and Parking Advisory Committee.

Director Stewart advised Planning Commission's recommendation included a provision in parking reduction where BRT or LRT would be proposed. She stated Staff preferred the amendment pertain to an existing BRT or LRT in order for the City to be ensured ridership on mass rapid transit eliminated some need for parking.

Robert Gronauer, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of the applicant and stated he agreed with the Planning Commission's language of the automatic waiver, except for the requirement for a parking study. He requested the City grant an automatic waiver approval for parking without the parking study requirement.

Mr. Gronauer stated for several months he and developers had met with Staff and discussed projects along the North 5th Street Corridor. He stated Staff's advice and recommendations had been taken and a proposed ordinance had been drafted.

Mr. Gronauer explained an automatic waiver for parking can be applied for in Nye County, Lincoln County, Henderson, Las Vegas and Clark County, without a parking study requirement.

Mr. Gronauer stated concerns had been expressed that if a parking waiver provision was allowed, many developers would immediately apply and expect approval. He stated it was for this reason that language had been added to the proposed ordinance which included; no detrimental impact to the surrounding area nor financial hardship claim would be allowed, and approval must be requested from Council for each new application.

Mr. Gronauer explained the multi-family design guidelines required a certain amount of open space per dwelling unit, as well as a calculation for open space. He understood the value of open space in the City of North Las Vegas; therefore, regulations in the proposed ordinance amendment required adherence to those waiver standards.

Mr. Gronauer stated he would be in agreement if the City wanted to amend the half mile radius to a quarter mile radius to be more restrictive for a planned, proposed or existing BRT or LRT.

Mr. Gronauer advised a commercial design standard in the proposed ordinance amendment addressed commercial development and would eliminate the need in the future for a developer to request a proposed ordinance amendment for commercial development.

Councilwoman Smith asked Mr. Gronauer to explain his main impetus for changing the Planning Commission's recommendation. He responded with the first proposed ordinance, two years prior, he had requested a parking waiver, and instead the multi-family text amendment had been approved. He stated it was after much thought and consideration that he again requested a parking waiver.

Councilwoman Smith asked Mr. Gronauer to explain automatic rights of approval for a parking waiver. He responded the proposed parking waiver would allow a developer to request approval for one before the Planning Commission.

Councilwoman Smith asked Mr. Gronauer to explain if waiver requests automatically went to Council. He responded they would not, since the Site Plan Review would be the final action, unless the Planning Commission decision was appealed.

Councilwoman Smith felt waivers needed to be approved by Council for final action. Mr. Gronauer stated Staff would then need to track the applications, since some site plans would go to Council and others would not. Councilwoman Smith asked Director Stewart if tracking the applications would present a problem and she responded it would not.

Mayor Montandon asked Mr. Gronauer to reiterate why he had included commercial development in the proposed ordinance. He responded a developer for commercial development in the future would not need to request it from Council; however, he would agree with Council's recommendation.

Mayor Montandon asked Director Stewart how the proposed ordinance applied to neighborhood center or community mixed use development. She responded it would not apply, since the waiver would be specifically for multi-family residential developments.

ACTION: PASSED AND ADOPTED, AS AMENDED; CONDITION #2 AMENDED AS FOLLOWS:

2. A waiver may be applied for to allow a reduction in parking spaces for multifamily developments within one quarter (1/4) mile of a planned or existing bus rapid transit (BRT) or light rail transit (LTR) stop, provided:
 - a. The waiver is applied for in conjunction with a site plan review;

- b. The standard of review for the waiver is consistent with Section 17.24.195 (E) of the multifamily development standards;
- c. A parking analysis is submitted to the traffic engineer in conjunction with the waiver request for the traffic engineer's recommendation; and
- d. Final action will be by the City Council.

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

36. ORDINANCE NO. 2281; 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 APPROXIMATELY 42.48 ACRES THEREIN FROM A C-2 GENERAL COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT (ZN-30-06, THE VILLAGE) CONSISTING OF 787 MULTI-FAMILY DWELLING UNITS, 16 LIVE/WORK UNITS AND 53,200 SQUARE FEET OF COMMERCIAL RETAIL, FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (CONTINUED JUNE 21, JULY 5, JULY 19 AND AUGUST 16, 2006)

Ordinance No. 2281 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 APPROXIMATELY 42.48 ACRES THEREIN FROM A C-2 GENERAL COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT (ZN-30-06, THE VILLAGE) CONSISTING OF 787 MULTI-FAMILY DWELLING UNITS, 16 LIVE/WORK UNITS AND 53,200 SQUARE FEET OF COMMERCIAL RETAIL, FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Planning and Zoning Director Jory Stewart stated the application was a zone change request from C-2 General Commercial District to Planned Unit Development District, required since the City did not have a mixed-use district when the application was initially filed. She explained another site plan, currently being reviewed by various departments within the City, reconfigured the site into a traditional, commercial node, with multi-family townhome development.

Robert Gronauer, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of the applicant and stated the developers of the project had built Sky Las Vegas, a mixed-use development off Las Vegas Boulevard and Sahara Avenue, and wanted to build a mixed-use development in the City of North Las Vegas.

Mr. Gronauer stated the property was located on the northwest corner of Craig Road and Commerce Street, adjacent to the north and west sides of Craig Ranch Golf Course. The golf course was known as the "Crown Jewel" of North Las Vegas, characterized as the new central park of the west coast.

He explained the developers had worked with Staff and the task force which resulted in three different design proposals; a mixed-use design, a commercial design for all 42 acres, and a multi-family design which included the option to potentially sell the back portion of the property to the City.

Mr. Gronauer stated the first design proposal included restaurants on Craig Road within walking distance of the residential portion of the property; wrap condominium buildings, with parking garages located on the interior of the building; 20 live/work areas; for sale townhomes, with alley-loaded two-car garages designed to face the park, which created a sense of openness.

The developers had worked with Staff, the Police Department and the Parks and Recreation Department, and decided the proposed development would have wrought iron gates with pedestrian access in several locations.

Mr. Gronauer felt the density range of the development would be compatible with an area already intense on Craig Road. He stated without the commercial portion of the site the density range would be 22 dwelling units per acre; however, when calculating the full 42 acres, the density range would be 18.9 dwelling units per acre.

Mayor Montandon asked Mr. Gronauer to explain why he had requested three different design proposals. He responded the purpose of the other two designs would be for more flexibility in the first proposal, such as adding more commercial development or lowering the density range.

Massoud Aaron Yashouafar, CEO, Milbank Real Estate Services Inc., 660 S. Figueroa Street, 24th Floor, Los Angeles, CA, 90017, stated his company developed Sky Las Vegas on the Las Vegas Strip. The entire process for the 400 unit, 45 story, million square foot project, took less than a year.

Councilwoman Smith asked Chief Paresi if he felt crime increased with housing that bordered a park. He responded the crime rate would depend on how compatible the property was designed with the park. He suggested there should be only two access points to the park on the west side and one access point on the north side; thereby, the police could control egress into the park for events and trespassers could not gain easy access onto homeowners' property. He stated open wrought iron fencing would be a good safety feature, since it allowed visibility of the homes from the park.

Councilwoman Smith stated the applicant should work with the Police Department to design the development with regard to public safety and the applicant agreed. Chief Paresi stated the development would be a prime project for a Crime Prevention through Environmental Design (CPTED) analysis.

Director Stewart explained the application was not the final development plan. The zone change had been reviewed by the Parks and Recreation Department and the Police Department a couple of months prior. At that time, access points had been discussed and a reduction had been recommended. The final development plan would be subject to various departments' review, and included the Police Department's CPTED analysis.

Councilwoman Smith stated there was not anywhere else in the Valley where this much acreage abutted such a beautiful park. She stated the Council wanted to ensure whatever development went there would be very special. She felt housing, as opposed to all commercial, would make the best use of this land; however, she would be interested in the City purchasing part of it for park land.

Mayor Pro Tempore Robinson asked Mr. Gronauer how many dwelling units had been proposed and he responded several revisions had been made to the number. Originally, a total number of 803 units or 18.9 units per acre had been proposed. However, with design reviews and density reductions, the total number of units would be in the 700 figure or 16.4 units per acre. Mayor Pro Tempore Robinson was concerned about problems which might occur due to the close proximity to the park.

Councilwoman Smith stated the ascetics of the plan would be changed if the clear line of demarcation was removed, since the high density center part of the development would then abut the park. Mayor Montandon felt it would be desirable to live in a fourth story unit which overlooked the park. Mr. Gronauer agreed with Mayor Montandon and stated the park view made the homes more desirable.

Mr. Gronauer suggested development could be planned in a phasing schedule with the front portion of the land developed before the back portion. The schedule would allow development to begin and the City could decide whether or not to purchase the back portion.

Councilwoman Smith stated residential development with high density and a park would require security. Mr. Gronauer stated they would work with Chief Paresi and the CPTED analysis.

Councilman Buck asked if the City could request limited investor money for the intention of restricting the number of rental units for investor purposes. Mr. Yashouafar stated with his purchase and sale contracts in the past, a purchaser could not sell or assign their contract to a third party during the construction process. He stated further restrictions prohibited the purchaser, for one year after the purchase, to re-sell the unit and required a minimum number of months each unit could be rented to each renter. He stated the restrictions had been written in the contracts, but once escrow closed, it would be a purchaser's constitutional right to sell.

Councilman Buck stated she had a problem with units being sold only for investment purposes, and felt the City could ask for a restriction against this practice. City Manager Rose stated the City could not ask, but the purchaser could agree. Councilman Eliason stated the Homeowners' Association could have restrictions in the covenants, conditions and restrictions; however, the City could not enforce the restrictions.

Mr. Gronauer stated this issue had been discussed during the development of the new master planned community and enforcement rights had been assigned to the City.

Councilman Buck stated the City's higher density locations have turned into numerous rentals, which tended to promote higher crime and deterioration of the neighborhoods.

City Manager Rose stated the City Attorney and the developer would work together to develop owner occupied restriction language and explore other options available.

Mayor Montandon stated Councilwoman Smith asked for Council to hear the second and third proposals; however, he felt it would not be appropriate. He felt uncomfortable with options placed on the possibility of the City buying a piece of property, as it created an inherent conflict of interest.

Mayor Montandon stated the developer had presented their first proposal and should proceed with the second and third proposals only if the first proposal was rejected. He added it would be the Council's decision to hear the other proposals. Mayor Pro Tempore Robinson stated he was not interested in hearing the other two proposals. Councilwoman Smith stated Council should proceed with the vote.

Mr. Gronauer stated he would appreciate a vote for approval tonight; therefore, allowing work to begin on the density issue.

Mayor Pro Tempore Robinson stated he would not support 787 dwelling units next to a park because he predicted high crime as a consequence. Mayor Montandon stated he appreciated what Mayor Pro Tempore Robinson stated about crime since a development could be unsafe if not designed properly. Mayor Montandon felt a well-designed development would be a landmark for the City.

Mayor Montandon stated the design guidelines, the CPTED analysis and the final design review had been discussed. The decision for Council would be whether or not the general idea of the project was something the City would like.

Councilwoman Smith stated she felt uncomfortable with a density count of 803 since there would be 18.9 dwellings per acre. Mr. Gronauer responded with the entire 42 acres, and a density count of 787, there would be 16.4 dwellings per acre.

Mr. Yashouafar stated the site was referred to as the Jewel of the City, and for that reason a very high price had been paid for it. He explained the density count had to be higher than average in order to deliver the high quality elevation and design required by the City.

Director Stewart stated a number of revised conditions had been prepared in conjunction with meetings held with Perlman Architects, the applicant's representative, and the Parks and Recreation Department. Mayor Montandon asked Director Stewart to read the revised conditions for the record.

ACTION: PASSED AND ADOPTED, AS AMENDED;

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. A final development plan shall be submitted for each phase of the Planned Unit Development.
3. A final phasing plan shall be submitted with the first final development plan for this Planned Unit Development.
4. A final development plan be approved by the Planning Commission prior to the submittal of any proposed tentative maps. All areas identified on a tentative map shall have been previously approved as a final development plan.
5. Building elevations shall be submitted for each commercial and multi-family building with the final development plan for each phase of this Planned Unit Development.

6. **The final development plan shall be accompanied by an exhibit that provides details of the open space/recreational areas showing landscaping, amenities, dimensions, boundaries and calculated square footage. The applicant is required to meet with the Department of Parks and Recreation prior to submitting any final development plan.**
7. A pedestrian circulation plan, including ADA access routes, safe walking pathways, and traffic calming measures shall be submitted with the final development plan for this Planned Unit Development.
8. Adequate parking shall be provided and shown on the final development plan, and shall comply with the requirements set forth in the Zoning Ordinance. All details pertaining to at-grade parking, subgrade parking and / or above-grade parking structures shall be disclosed.
9. Interior driveways and / or “streets” shall meet the minimum requirements of an “interior street scape” in a Planned Unit Development, and street furniture that is approved by the Public Works Department and Planning & Zoning Department, shall be identified on the open space / recreational area exhibit. All internal “streets” shall provide on-street parallel parking on both sides.
10. The number of parking stalls for the residents and guests shall be provided in accordance with the requirements set forth in the Zoning Ordinance for multi-family developments. The location of the residential parking shall be within a secured parking structure or private attached garages. The parking garage shall adjoin the building in which the units it serves are located. Guest parking is not required to be located within a secured environment.
11. The non-residential commercial-only square footage shown on the preliminary development plan (53,200 square feet) is considered conceptual and shall be reduced if it is found that there is insufficient parking and/or pedestrian plaza space, upon submittal of the final development plan.
12. The number of residential units shown on the preliminary development plan (750 dwelling units) is considered the maximum and shall be reduced if it is found that there is insufficient parking, buffer area, and/or open space, upon submittal of the final development plan.
13. Exterior roof ladders and down spouts shall not be permitted.
14. In addition to the stipulations stated herein, the residential portions of the development shall comply with the Multiple-Family Development Standards and Design Guidelines. This condition may be modified, waived, replaced or altered to

the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed-use Zoning Ordinance amendment or other Code requirements of the City, as adopted by the City Council upon submittal of a final development plan.

15. The conceptual design of the site shall comply with the preliminary development plan approved herein, unless otherwise required to be changed through conditions, functional purpose or code / ordinance stipulation. This condition may be modified, waived, replaced or altered to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed-use Zoning Ordinance amendment or other Code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.
16. The conceptual design of the buildings shall be consistent with those elevations identified on the submitted "Condominiums 2 Elevations" sheet or "Exhibit A, Sheet 1," with the exception of the alleys and rear-loading garages. This condition may be modified, waived, replaced or altered to the extent those changes are consistent with the goals, policies, objectives, standards and guidelines of a future mixed-use Zoning Ordinance amendment or other Code requirements of the City, as adopted by the City Council upon the submittal of a final development plan.
17. The proposed "Typical Perimeter Wall at Street" shall be approved as the fence / wall design. Pilasters shall be treated with "stacked stone" or "slump stone" veneers, in addition to decorative cap stones. Any 100% opaque wall sections shall be limited to those areas between the adjacent public park and rear-loading garages. The "Typical Perimeter Wall at Street" shall be provided along the interior property lines with pedestrian access gates as required herein. The view fence shall be constructed in accordance with an approved Phasing Plan.
18. Commercial uses within this Planned Unit Development shall only be those allowed under the C-1, Neighborhood Commercial District as principally permitted uses, or as Special Uses subject to Title 17 § 24.020, with the exception that the following uses shall be prohibited from this Planned Unit Development:
 - i. Automobile parking lot or garage (public or private)
 - ii. Automobile supply store
 - iii. Automobile service
 - iv. Any automobile washing establishment
 - v. Any establishment with a drive-through service lane, including but not limited to banks and financial institutions, and convenience food restaurants
 - vi. Any establishment with gas pumps or fueling stations
 - vii. Light equipment rental with exterior storage or display
 - viii. Mini-warehousing

- ix. Mortuary
- x. Pawnshop
- xi. Tennis and racquet club

19. This planned unit development shall comply with the Multiple Family Development Standards, including that:
- a. All buildings shall have a minimum spacing of twenty (20) feet between buildings.
 - b. A minimum 20 feet of buffer landscaping shall be provided adjacent to all interior property lines.
 - c. A minimum 20 feet of perimeter landscaping (which includes a meandering sidewalk separated from the back-of-curb by a minimum five feet of landscaping) shall be provided between the perimeter fence / wall and the back-of-curb along Commerce Street north of Building "R-6."
 - d. Refuse collection areas of sufficient size and number shall be provided to serve Condominium type "1" buildings. Ingress and egress routes shall be identified with the final development plan. Such routes shall be adequate and approved for Republic Services' trucks. Interior drop chutes shall also be identified on the final development plan.
 - e. The applicant shall provide evidence from Republic Services that individual residential collection service will be provided for the Condominium type "2" units prior to submittal of the final development plan. If it is determined that Republic Services will not provide individual collection service or if evidence is not presented, then the final development plan shall identify all trash enclosures in accordance with code requirements.
 - f. A minimum of 50 percent of the development's open space amenities be accessible within 300 feet of any dwelling unit.
 - g. Individual outdoor areas or patios shall not encroach into required buffer landscaping areas.
 - h. Internal pedestrian walkways, separate from drive aisles, shall be provided. All internal pedestrian walkways and crossings shall be constructed of stamped and dyed concrete and/or decorative pavers, shall be ADA-accessible, provided with lights and connected to another pedestrian walkway. All internal crossings, "mid-block" or otherwise, shall be designed using "curb extensions" and shall be provided with appropriate "pedestrian crossing" signs.

- i. Balconies at least 40 square feet in size shall be provided for every residential unit. No balcony shall face the internal “quad” areas of Buildings “A”, “B”, “C” and “D”, and no townhome balcony shall face an alley unless across from such alley is the adjacent public park.
20. Landscaping , including a small variety tree and ground cover shall be provided on each side of each garage entrance way, and shall be owned, watered and maintained by the homeowners’ association. Landscaping shall be provided in a sealed planter or another alternative method, as approved by staff.
21. Perimeter walls shall be owned and maintained by the Homeowner’s Association.
22. A minimum of 321,200 square feet of open space shall be provided that meets the minimum size requirements established in the Zoning Ordinance (Title 17). All outside and inside open space areas shall be identified on the open space exhibit submitted with the final development plan.
23. The Community Center shall be open and accessible to the residents as a recreational option. Any sales/leasing office shall not be counted as part of the open space. A floor plan for the community center shall be submitted with the final development plan. Pedestrian crossings to the east and west of the community center shall be provided.
24. All required open space and required landscaping areas shall be labeled as common elements and shall be maintained by the homeowners’ association.
25. A minimum 350 square feet of pedestrian plaza area shall be provided within the commercial portion of the development.
26. The “plaza” areas to the south of Buildings “R-2” and “R-5” shall be relocated to the north sides of the buildings.
27. The “outdoor dining” areas adjacent to Buildings “R-1” and “R-4” shall be relocated to the opposite sides of the buildings.
28. Bicycle parking facilities shall be provided within the commercial portion of the development at a ratio of one space per 8,000 square feet, or portion thereof, of commercial building. Said parking facilities/racks shall be located within 100 feet of the primary customer entrance of any building with 10,000 or more square feet, shall not be in-lieu of any required landscape areas and shall not interfere with any pedestrian access routes. It is recommended that the bicycle parking locations be in close proximity to, and/or visible from, the pedestrian plaza areas or outside dining areas.

29. All landscape areas within the all portions of the development shall be developed in accordance with the Commercial Development Standards and Design Guidelines, unless the landscape area is within the areas intended for the residents as part of the required recreational areas and open space, in which case the landscape areas shall be developed in accordance with the Multi-Family Development Standards and Design Guidelines. Live turf shall only be planted in areas required by the Department of Parks and Recreation to serve the residents.
30. The setbacks for the commercial portion of this development shall be consistent with those established for the C-1, Neighborhood Commercial District, and the setbacks for the residential portion of this development shall be consistent with those established for the R-4, High Density Residential District, unless otherwise determined to be appropriate by the Director of Planning & Zoning, or his/her designee.
31. Fire access lanes shall be located in accordance with Fire Code requirements.
32. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
33. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.
34. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
35. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
36. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
37. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

38. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
39. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
40. Approval of a traffic study is required prior to submittal of the civil improvement plans.
41. A queuing analysis is required.
42. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Craig Road and Commerce Street.
43. The proposed driveways along Craig Road, between R-1 and R-2, and R-4 and R-5, shall be eliminated.
44. The developer may install, entirely at his own cost, a traffic signal at the main entrance along Craig Road. Should the developer choose not to install the signal, the access will be limited to right in/right out and left in at this time; the median would then be modified accordingly. In addition, the left-in access at this location may be eliminated at the discretion of the City Traffic Engineer should safety become a concern in the future.
45. A raised median island shall be installed within Craig Road at the intersection of Kings Hill to prohibit any left turn movements.
46. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
47. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
48. The property owner is required to grant a roadway easement for commercial driveway(s).
49. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.

50. A revocable encroachment permit for landscaping within the public right of way is required.
51. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
52. The property owner is required to sign a restrictive covenant for utilities.
53. The final map shall be labeled as a Merger & Resubdivision.
54. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
55. All off-site improvements must be completed prior to final inspection of the first building.
56. Right-of-way dedication for the existing CAT bus turn-out may be required on Craig Road near Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
57. Adjacent to any eighty (80) foot right-of-way, a common lot and/or landscape and pedestrian access easement , with a minimum width of five (5) feet, shall be provided behind the required bus turn-out.
58. Approval of a drainage study is required prior to submittal of the civil improvement plans.
59. This development shall be constructed using only "L" curbs. Roll curbs shall be prohibited.
60. Two (2) pedestrian access gates from this development shall be provided along the northern property line and one (1) pedestrian access gate shall be provided along the western property line. The access locations shall be in-line with the primary internal drive aisles, with the gate nearest to Commerce Street (along the northern property line) providing access to the public trail. The gate locations shall be subject to final review and approval by the Departments of Planning & Zoning, Parks & Recreation and Police.
61. The three pedestrian access gates shall be time-controlled to prohibit access into the park between 12:00 am and 5:00 am. The locking and timing mechanisms, as well as the type of gates, shall be reviewed and approved by the Departments of Police and Parks & Recreation prior to the issuance of a building permit. The design of the gates shall be consistent with the design of the view fence.

62. A Tree Inventory and Preservation Plan to protect trees during construction shall identify all trees on the site with the intent to preserve mature desirable species. The inventory and preservation plan shall be prepared by the applicant and presented to the Department of Parks and Recreation for review and approval prior to application of any construction-related permits.
63. Evergreen trees shall be planted within the 20-foot landscape buffer along the north and west property lines. Said trees shall be of a type, quantity, size and species reviewed and approved by the Department of Parks and Recreation prior to application for any construction-related permits or recordation of any maps. In addition to the trees, shrubs shall be required in accordance with the requirements set forth in the Zoning Ordinance.
64. Each final development plan for this project shall be noticed as a public hearing and the applicant shall incur the additional costs associated with the public hearing notification process. Each final development plan shall be forwarded to and receive final approval from the City Council prior to submittal of any construction-related documents (e.g., drainage study, traffic study, civil improvement plans, building permits, etc.)
65. A series of photographic renderings that illustrate the visual impact of the building massing from various view points within the park shall be prepared by the applicant and presented to the Departments of Parks & Recreation and Planning & Zoning for review and approval. If the results of the study are not satisfactory to the reviewing departments and/or require significant changes to the preliminary development plan, then the applicant shall apply for an amendment to the Planned Unit Development.
66. The developer shall meet with the Police Department for a CPTED review. All requirements of the CPTED review shall be incorporated into the design of the Final Development Plan.
67. Developer shall obtain approval from the City Manager and the City Attorney for a leasing provision restriction for the development prior to the final development plan approval(s).

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

37. ORDINANCE NO. 2296; 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 APPROXIMATELY NINE (9) ACRES THEREIN FROM AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-47-06, CENTENNIAL POINTE) CONSISTING OF 201 MULTI-FAMILY DWELLING UNITS FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (CONTINUED AUGUST 2 AND AUGUST 16, 2006)

Ordinance No. 2296 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 APPROXIMATELY NINE (9) ACRES THEREIN FROM AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-47-06, CENTENNIAL POINTE) CONSISTING OF 201 MULTI-FAMILY DWELLING UNITS FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Robert Gronauer, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of Todd Stratton, property owner, and recommended withdrawal.

ACTION: WITHDRAWN WITHOUT PREJUDICE

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

38. ORDINANCE NO. 2297; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-10-06), TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD A SECTION TO CHAPTER 17.20 - ZONE DISTRICT REGULATIONS: SECTION 17.20.230 MIXED USE DEVELOPMENT DISTRICT (MUD); AND PROVIDING FOR

OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED AUGUST 2 AND AUGUST 16, 2006)

Ordinance No. 2297 as introduced by the City Manager:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-10-06), TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD A SECTION TO CHAPTER 17.20 - ZONE DISTRICT REGULATIONS: SECTION 17.20.230 MIXED USE DEVELOPMENT DISTRICT (MUD); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Planning and Zoning Director Jory Stewart stated the proposed ordinance allowed the mixing of residential and non-residential uses on the same site and/or within the same building to create vibrant, pedestrian-oriented neighborhoods with a focus on convenience, connectivity, and accessibility. Mixed use developments were designed to reduce automobile dependency by encouraging use of alternative forms of transportation, such as walking, bicycles and transit. Mixed use developments also enhanced the quality of life in North Las Vegas with increased choices available to residents in terms of housing, transportation, access to recreation, shopping and employment.

Director Stewart advised Staff and the Planning Commission recommended approval as amended.

Director Stewart stated Staff proposed changes to Exhibit 1 - Section 17.20.230.F3 (Phasing of Development) and Exhibit 2 - Section 17.020.230.F10 ("On Sale" Establishments). She advised the change to Section 17.20.230.F3 would state, "For all mixed use projects, no on sale establishment shall be occupied prior to completion of at least 50% of the commercial component." Director Stewart advised the original language to Section 17.20.230.F3 stated, "For horizontal mixed use, no portion of the commercial component shall be occupied prior to completion of at least 50% of the residential component."

Director Stewart explained the purpose of the change would encourage substantial completion of a mixed-use project prior to development of a tavern. For example, it would prevent an applicant of a proposed mixed-use project to build the tavern, and then suspend completion of the project. She stated the change would be applied to commercial as well as residential developments.

Director Stewart explained Staff had deliberated extensively on definition discrepancies which constituted "on sale" establishments that currently existed between Title 5 and Title 17. She advised Staff wanted to address these discrepancies with a proposed amendment, after the mixed-use ordinance had been adopted. Director Stewart suggested acceptance

of the language as proposed; addressing the “on sale” establishment component after Title 5 and Title 17 had been comprehensively revised.

Director Stewart stated the proposed change to Section 17.020.230.F10 required “on sale” establishments be located at a distance greater than 400 feet from all existing or approved schools, churches, city-owned parks, child care facilities, developed residential districts, and other “on sale” establishments located off-site. All distance separation requirements shall be measured as provided in Section 17.28.050.

Director Stewart explained Staff had written this change with acknowledgment of the discrepancies between terminology used in Title 5 and Title 17. The lowest common denominator on distance separation requirements had been used; therefore, a 400 foot separation requirement had been applied to “on sale” establishments.

Councilman Buck stated these changes would bring the mixed-use ordinance into compliance with Title 17 and would provide the standards for keeping taverns away from schools, parks, churches and day care centers. The proposed changes would protect the establishments located outside the mixed-use from a tavern being placed within 400 feet of an existing day care center or an existing park or school.

Mayor Montandon asked Councilman Buck to explain the proposed change for a waiver provision. She responded the proposed “on sale” establishment must be 2,500 feet or greater from an existing or approved saloon, tavern/restaurant or nonprofit clubs located off-site of the mixed-use project, unless a waiver of this requirement was granted by the Council. Mayor Montandon asked Director Stewart if a physical barrier, such as a freeway or a channel, would be necessary to grant the waiver and she responded it would not.

Councilman Buck further explained the proposed “on sale” establishment must be a distance of 1,500 feet or greater from all existing or approved churches, schools, city-owned parks, and child care facilities. Mayor Montandon asked Director Stewart if a physical barrier provision had been included in the 1,500 foot separation requirement, and she responded it had not.

Susan Johnson, Curran & Parry, 300 South 4th Street, Las Vegas, encouraged the Council to adopt Staff’s recommendation. She stated they had developers who were ready to submit applications.

Director Stewart stated specific uses would still be subject to a use permit and a site plan review.

Jennifer Lazovich, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, expressed support of the proposed changes for phasing of development and “on sale” establishments.

Ms. Lazovich stated they had acquired eleven acres for a mall site that had been previously approved under a Planned Unit Development (PUD). Ms. Lazovich asked Director Stewart whether a new PUD, or an amendment to the existing PUD, would be needed for this additional eleven acres. Ms. Stewart responded it would be acceptable either way.

George Garcia, 1711 Whitney Mesa Drive, Henderson, encouraged Council to adopt Staff's recommendation. He stated they had developers who were ready to submit applications.

Councilman Buck felt the proposed changes were in the best interests of the citizens of North Las Vegas.

Mayor Montandon made a motion to withdraw Exhibit 1 and Councilman Buck seconded the motion.

ACTION: WITHDRAWN

MOTION: Mayor Montandon

SECOND: Councilman Buck

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

NAYS: None

ABSTAIN: None

Councilwoman Smith expressed appreciation for the hard work that had gone into the development of the changes and recommended approval.

Councilman Smith made a motion to approve Exhibit 2 and there was no second. Mayor Montandon explained without a second to the motion, Exhibit 2 would be an unedited Staff version of the mixed-use development.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: Councilman Buck

ABSTAIN: None

39. ORDINANCE NO. 2298; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-11-06), TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD A SECTION TO CHAPTER 17.24 - GENERAL BUILDING AND DEVELOPMENT

STANDARDS: SECTION 17.24.220 MIXED USE DESIGN GUIDELINES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED AUGUST 2 AND AUGUST 16, 2006)

Ordinance No. 2298 as introduced by the City Manager:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-11-06), TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD A SECTION TO CHAPTER 17.24 - GENERAL BUILDING AND DEVELOPMENT STANDARDS: SECTION 17.24.220 MIXED USE DESIGN GUIDELINES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Susan Johnson, Curran & Parry, 300 S. 4th Street, Las Vegas, stated for the record the design guidelines were flexible.

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

40. ORDINANCE NO. 2299; AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-12-06), TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD A SECTION TO CHAPTER 17.28 - ADMINISTRATIVE PROCEDURES: SECTION 17.28.065 PROCEDURE FOR MIXED USE DEVELOPMENT (MUD) APPROVAL; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED AUGUST 2 AND AUGUST 16, 2006)

Ordinance No. 2299 as introduced by the City Manger:

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-12-06), TO AMEND TITLE 17 (ZONING ORDINANCE) TO ADD A SECTION TO CHAPTER 17.28 - ADMINISTRATIVE PROCEDURES: SECTION 17.28.065 PROCEDURE FOR MIXED USE DEVELOPMENT (MUD) APPROVAL; AND PROVIDING FOR

OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilwoman Smith

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

41. **ORDINANCE NO. 2300; 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 APPROXIMATELY 5+ ACRES THEREIN FROM AN R-E, RANCH ESTATES DISTRICT AND A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT (ZN-42-06, MARBELLA), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF DONNA STREET AND AZURE AVENUE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (CONTINUED AUGUST 2 AND AUGUST 16, 2006) (ASSOCIATED ITEM NO. 4, AMP-32-06)**

ACTION: CONTINUED TO OCTOBER 4, 2006

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

42. **ORDINANCE NO. 2301; AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION (LIMITED TAX) WASTEWATER RECLAMATION SYSTEM BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2006 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$140,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; REPEALING THE 2005 SEWER BOND ORDINANCE NO. 2130; AND PROVIDING OTHER MATTERS RELATING THERETO. (CONTINUED AUGUST 16, 2006)**

Ordinance No. 2301 as introduced by the City Manager:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION (LIMITED TAX) WASTEWATER RECLAMATION SYSTEM BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2006 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$140,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; REPEALING THE 2005 SEWER BOND ORDINANCE NO. 2130; AND PROVIDING OTHER MATTERS RELATING THERETO.

Finance Director Phil Stoeckinger advised the proposed ordinance would provide up to a \$140 million bond to fund the construction, acquisition and equipment purchase for the wastewater reclamation system. The City proposed a 30 year long-term bond with interest only for the first approximately 2½ years, which allowed a debt service reduction until the wastewater reclamation facility was well under construction.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Council Members Smith, Buck and Eliason

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

43. **ORDINANCE NO. 2302; 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 APPROXIMATELY 1.17+ ACRES THEREIN FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, APPROVED FOR PROFESSIONAL OFFICES, TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (ZN-46-06, DEL NORTE HOMES) CONSISTING OF 11 SINGLE FAMILY HOMES, FOR PROPERTY LOCATED APPROXIMATELY 90 FEET EAST OF CAMINO AL NORTE AND SOUTH OF RANCHO DEL NORTE DRIVE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 7, AMP-36-06)**

Ordinance No. 2302 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 APPROXIMATELY 1.17+ ACRES THEREIN FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, APPROVED FOR PROFESSIONAL OFFICES, TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT

(ZN-46-06, DEL NORTE HOMES) CONSISTING OF 11 SINGLE FAMILY HOMES, FOR PROPERTY LOCATED APPROXIMATELY 90 FEET EAST OF CAMINO AL NORTE AND SOUTH OF RANCHO DEL NORTE DRIVE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

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

44. ORDINANCE NO. 2304; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1843 WHICH RECLASSIFIED LOSEE PLAZA (ZN-35-03) TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL USES AS SET FORTH BELOW, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 2304 as introduced by the City Manager:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1843 WHICH RECLASSIFIED LOSEE PLAZA (ZN-35-03) TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL USES AS SET FORTH BELOW, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Robert Gronauer, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, appeared on behalf of the applicant and introduced Ted Eggerton, Traffic Engineer. Mr. Gronauer stated during the July 26, 2006, Planning Commission meeting, Condition No. 4 of ZN-35-03 had been amended to allow the Ann Road access to be determined by a traffic study and approved by the City of North Las Vegas Traffic Engineer. This amendment had been requested to allow ingress and egress on Ann Road.

Ted Eggerton, 6345 S. Jones Boulevard, Las Vegas, stated the amended proposed site plan included an additional right-of-way along Losee Road intended for future dual left turn lanes, as well as an exclusive right turn lane onto Ann Road. He stated it also included a second additional dedicated right-of-way along Ann Road for future dual left turn lanes onto Losee Road. He stated the design for a bus pull-out, on the far side of the proposed

driveway, had been accepted by the Regional Transportation Commission.

Mr. Eggerton explained there were three reasons for the proposed driveway on Ann Road which included; external circulation of traffic onto Ann Road, access for tanker trucks to enter off of Losee Road and exit onto Ann Road, and a reduction or minimization of the number of vehicles that would cross three lanes of traffic to access the driveway on Losee Road.

Mr. Eggerton stated the intersection of Ann Road and Losee Road would be signalized in the future, preventing vehicles from crossing Ann Road at a high rate of speed. He stated the exclusive right turn lane would provide a safe turn into the proposed driveway, since the vehicles would be out of the through lane of traffic.

Chief Paresi stated three through lanes would be a safety hazard and might cause confusion to some drivers because they may try to merge into the second lane. Mr. Eggerton disagreed and stated there would be no confusion because there would be an exclusive right turn lane.

Chief Paresi asked Mr. Eggerton about possible rear-end vehicle accidents caused when vehicles braked suddenly to turn right within 100 feet after making a right turn. Mr. Eggerton responded the proposed driveway would actually improve the situation since vehicles cutting across lanes would be minimized.

Mayor Montandon asked Mr. Eggerton to explain what would happen to the bus pull-out if Council did not approve the proposed driveway onto Ann Road, and he responded the bus pull-out would remain.

Mayor Pro Tempore Robinson asked Mr. Eggerton if the proposed driveway would access the convenience store and commercial shops to the north and he responded it would.

Councilwoman Smith asked Mr. Eggerton to explain how westbound traffic on Ann Road would enter the turn lane when there was a physical barrier. He responded the curb would actually transition into the exclusive right turn lane allowing entry into the driveway.

Councilwoman Smith asked Mr. Eggerton how westbound traffic would connect with southbound traffic on Losee Road turning right, and he responded there was a traffic signal at that location.

Acting Public Works Director Liu stated the driveway had not been recommended by the Public Works Department because of the conflict it would cause on Ann Road; therefore, a traffic study had been recommended.

Chief Paresi felt the design would be inherently dangerous because of the heavy traffic in the City. Mr. Eggerton stated Chief Paresi was right; however, the intersection design included a sign which prevented a right turn on red.

Mr. Gronauer requested a meeting with Police Chief Paresi and the Public Works

Department, and a return to Council in two weeks.

ACTION: CONTINUED TO SEPTEMBER 20, 2006

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

APPOINTMENTS

45. NOMINATION OF A CITIZEN ALTERNATE TO THE CLARK COUNTY COMMUNITY DEVELOPMENT ADVISORY COMMITTEE FOR A TERM OF ONE YEAR. (TABLED AUGUST 16, 2006)

Councilwoman Smith asked how often the committee met and Mayor Montandon responded they met a couple of times a year, or as needed to develop grants.

ACTION: TABLED TO SEPTEMBER 20, 2006

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

46. DISCUSSION AND/OR APPOINTMENTS TO THE LIBRARY DISTRICT BOARD OF TRUSTEES PURSUANT TO APPROVAL OF RESOLUTION NO. 2357, FOR A TERM CO-TERMINUS WITH THE APPOINTING COUNCIL MEMBER.

ACTION: TABLED TO OCTOBER 4, 2006

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

COUNCIL ITEMS

Councilwoman Smith discussed the need to review Homeowners' Association covenants, conditions and restrictions; and requested an update on the City's beautification efforts.

Councilman Eliason had concerns regarding the ownership of rights-of-way for sawtooth roads.

CITY MANAGER'S REPORT

There was no report.

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 9:24 P.M.

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

APPROVED: November 15, 2006

Mayor Michael L. Montandon

ATTEST:

Karen L. Storms, CMC
City Clerk