

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

June 11, 2008

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

- BRIEFING:** 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive
- CALL TO ORDER:** 6:02 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive
- WELCOME:** Chairman Steve Brown
- ROLL CALL:** Chairman Steve Brown - Present  
Vice-Chairman Dilip Trivedi - Present  
Commissioner Jay Aston - Absent  
Commissioner Jo Cato - Present  
Commissioner Dean Leavitt - Present  
Commissioner Harry Shull - Present  
Commissioner Angelo Carvalho - Present
- STAFF PRESENT:** Robert Eastman, Principal Planner  
Mary Aldava, Senior Planner  
Bob Hoyes, Planner  
Jeremy Davis, Urban Designer  
Nick Vaskov, Deputy City Attorney II  
Jennifer Doody, Development & Flood Control  
Vidya Medisetty, Public Works  
Janice Carr, Fire Department  
Jose Rodriguez, Police Department  
Marie Purcell, Deputy City Clerk
- VERIFICATION:** Marie Purcell, Deputy City Clerk
- PLEDGE OF ALLEGIANCE:** Commissioner Harry Shull

**MINUTES**

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING  
OF MAY 14, 2008**

ACTION: TABLED TO JUNE 25, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

**BUSINESS**

1. **UN-35-07 (35360) SELECT BUILD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SELECT BUILD ON BEHALF OF SOUTHWEST LAND DEVELOPMENT, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW TWO (2) TEMPORARY BUILDINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF REGENA AVENUE AND RANGE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-29-501-010.**

It was requested by the applicant to continue UN-35-07 to July 9, 2008.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 9, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

2. **UN-58-08 (35441) GE TRANSPORTATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GE TRANSPORTATION-REMANUFACTURING SERVICES ON BEHALF OF NORTHERN BELTWAY INDUSTRIAL CENTER LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE USE AND STORAGE OF HAZARDOUS MATERIALS (APPROXIMATELY 1,000 GALLONS OF CLASS II COMBUSTIBLE LIQUIDS: INSULATING VARNISH, REACTIVE MONOMER, PREMIUM/PREMIUM GOLD SOLVENT AND OXYGEN) IN CONJUNCTION WITH THE REPAIR AND MANUFACTURING OF LOCOMOTIVE WHEELS, AXLES, GEARS AND MOTOR SETS. THE PROPERTY IS LOCATED AT 5406 EL CAMPO GRANDE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 123-28-310-001.**

It was requested by the applicant to continue UN-58-08 to June 25, 2008.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 25, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

3. **UN-55-08 (35415) CHEYENNE VALLEY GATEWAY PH I (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LYLE E. BRENNAN ON BEHALF OF CVG RETAIL LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW AUTOMOBILE, BOAT AND RECREATIONAL VEHICLE SALES. THE PROPERTY IS LOCATED AT 4370 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-07-417-012.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of UN-55-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This development shall comply with all applicable conditions of ZN-27-00 and FDP-09-04.
3. Any change to the Business License issued for the initial use shall render UN-55-08 null and void.
4. The number of vehicles or boats allowed to be displayed outside during daytime hours, as defined in the conditions for ZN-27-00, shall not occupy more than seven (7) standard or compact parking spaces, as defined in Title 17.
5. The site may use more than seven (7) parking spaces for daytime outside display only if approved as a Special Event through the Business License Division.
6. Outside display shall only be allowed within designated parking spaces, as identified on the approved civil improvement plans.
7. The outdoor display spaces shall be identified on a site plan submitted and approved by the Planning & Zoning Department during the Business License application process.
8. Fire access lanes shall be designed in accordance with Fire Code requirements.
9. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
10. Turning radii along the fire access lane shall be designed in accordance with the Fire Code.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant asking to have up to 15 parking spaces for display of vehicles and asked that Condition No. 4 be amended to delete the display of boats outside and only have them displayed inside the building. There were concerns on the hours of outside display. The hours of operation was from 6 a.m. to 11 p.m.; however, the hours of outside display would be from 8 a.m. to 10 p.m. He asked for the Commission's approval with the requested amendments.

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

1. **Robert Evans, 3418 Bosal Court, North Las Vegas, NV 89032**, president of Silverwood Ranch Homeowners Association located across from Valley Drive, north of Cheyenne Avenue. He was concerned about the proposed use and that the applicant kept changing his mind on what use would be located on the site and did not feel a car lot was a compatible use with the area. Once approved, there could potentially be more car lots along Cheyenne Avenue. The lighting to maintain a car lot would affect some of the residential in the area and there would also be a potential for added crime in the area.

Chairman Brown closed the Public Hearing.

Mr. Gronauer showed an overhead of the proposed site and explained the portion of property the use permit was for. He explained the use was in an office complex that was built with some retail uses and there were currently office uses in the complex. The facade of the building and the parking lot would not change and there would not be bright lights, as there would be no change to what was currently existing on the site. He explained the cars would be specialty, collectible type cars and would be used for display only. There would be cars on display inside the building along with a coffee bistro. The goal was to have some type of receptions at the location and bring another aspect of another amenity to the area. He pointed out it was not a used car sales lot where you would see hundreds of cars on the property with for-sale signs. The display would not be 24/7 but would be displayed from 8 a.m. to 10 p.m.

Commissioner Harry Shull asked if alcoholic drinks would be served. Mr. Gronauer responded there would not be alcoholic beverages served.

Commissioner Jo Cato asked if the vehicles would be housed in the building after hours. Mr. Gronauer responded they would.

Chairman Brown asked what type of PUD's were surrounding the proposed use. Mr. Hoyes responded to the west was part of the same PUD and to the east was the Qual Com Development. Chairman Brown clarified this was a Commercial PUD. Mr. Hoyes confirmed it was.

Commissioner Dilip Trivedi asked the applicant why the building was vacant. Mr. Gronauer indicated it had been vacant for approximately three years. Commissioner Trivedi was not opposed to the use and the only concern he had was with the hours of operation and felt the hours could be limited from 9 a.m. to 9 p.m.

Commissioner Harry Shull agreed with Commissioner Trivedi that the use could be appropriate and he had seen this type of use in other cities and it made for a nice venue and he did not have a problem with the hours of operation being from 8 a.m. to 10 p.m. or there being 15 vehicles on display, as they would be taken off display after the hours of operation.

Chairman Brown indicated that having a limit of the number of vehicles allowed outside would prevent the use from becoming a used car lot.

Commissioner Angelo Carvalho was in support of the application if it was for classic cars and asked Staff the reason for the limit on the outside parking. Mr. Hoyes explained the original recommendation was based on the allowable or required parking in the event that the use changed or the coffee shop intensified, the parking standards were different for each use, so they tried to come up with a number they felt was fair in the event the use changed, either by increasing or decreasing or the coffee shop intensified. If the use was to revert to primarily retail, there would be one parking space for 250 square feet of building, which would amount to a minimum 40 parking spaces being required. The site currently identified 60 total parking spaces, so if the intensification was slightly greater for the coffee shop, which was one for 50 square feet of public floor area, then you could still have both uses without compromising or creating a burden on the surrounding properties.

Chairman Brown asked for clarification on the proposed amendments. Mr. Gronauer explained the word "boats" would be deleted in Condition No. 4 and a new condition would have to be added for the hours of operation. The PUD allowed hours of operation to be 6 a.m. to 11 p.m., which was to operate the coffee shop. The new hours of operation was only for the hours of operation of the outdoor display of vehicles.

Mr. Hoyes stated if it was the Commission's desire to grant the hours of operation for 9 a.m. to 9 p.m. as suggested by Commissioner Trivedi, and to delete boats from the outdoor display the following conditions were recommended: Condition No. 4 would read: "The number of vehicles allowed to be displayed outside shall not occupy more than seven (7) standard or compact parking spaces, as defined in Title 17, and such display shall be limited to the hours of 9 a.m. to 9 p.m. Boats shall not be allowed to be displayed outside.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NOS. 4 AND 5 AMENDED TO READ:

4. THE NUMBER OF VEHICLES ALLOWED TO BE DISPLAYED  
OUTSIDE SHALL NOT OCCUPY MORE THAN FIFTEEN (15)

STANDARD OR COMPACT PARKING SPACES, AS DEFINED IN TITLE 17, AND SUCH DISPLAY SHALL BE LIMITED TO THE HOURS OF 8 A.M. TO 10 P.M. BOATS SHALL NOT BE ALLOWED TO BE DISPLAYED OUTSIDE.

5. THE SITE MAY USE MORE THAN FIFTEEN (15) PARKING SPACES FOR DAYTIME OUTSIDE DISPLAY ONLY IF APPROVED AS A SPECIAL EVENT THROUGH THE BUSINESS LICENSE DIVISION.

MOTION: Commissioner Shull

SECOND: Commissioner Carvalho

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

4. **AMP-04-08 (34785) CAMINO AL NORTE & WASHBURN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL CHURCH ON BEHALF OF JAMES J. STEVINSON & GBRK, LLC, CAMINO AL NORTE VENTURES, LLC, F & M COMMERCENTER PARTNERSHIP, LEROY JAMES CALHAU TRUST, CAMINO AL NORTE, LLC AND 5105 CAMINO, LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY LOW (UP TO 6 DU/AC) AND EMPLOYMENT TO NEIGHBORHOOD COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-33-718-003, 124-33-718-005, 124-33-718-006, 124-33-718-009, 124-33-718-010, 124-33-718-011 AND 124-33-718-012.**

Item Nos. 4 and 5 were presented and heard together.

The application was presented by Mary Aldava, Senior Planner who explained the site was currently developed as an office park and included commercial and professional office land uses. Three special use permits have been approved for the site and the uses include child care, bank and fitness center. The master plan amendment and zone change requests are in conformance with the 2006 Comprehensive Plan. Staff's only concern was with the parking. When the office park was approved, the parking was approved for office uses and Staff was concerned, that rezoning to a C-1 District, there would be more intense uses which would require more parking. Based on Staff concerns, future site plan reviews or parking studies may be requested. Staff was recommending approval of AMP-04-08 and ZN-11-08.

Commissioner Trivedi indicated he would be abstaining, as he was involved with a tenant improvement, Item No. 6 on this agenda, which was located within the development.

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant indicating one of the issues on the AMP was that the site was already planned for office and at this point, the western portion of the triangle along the channel, was where the residential designation was and would bring it into conformance with the overall commercial land use for the site, as well as the development, because it was already developed partially for office on the corner. He stated he concurred with Staff's analysis and recommendations on AMP-04-08 and ZN-11-08.

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

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt asked the applicant the current membership of the church, the hours and days of operation and future uses. He asked if they planned on building their own building or expanding on the existing site. Mr. Garcia responded there was desire to occupy additional space directly behind the existing building. The plans were visionary and if they came to pass, they would be back before the Commission with that request.

**Reverend Mark Lebsack, 844 Ben Spur Circle, North Las Vegas, NV** explained his congregation currently had an attendance between 200 and 250 people on a Sunday. They thought being able to occupy this location would enhance their ability to grow and they were looking to purchase a pad behind the current location to build on in the future. They currently meet on Sunday mornings and have bible study classes throughout the week in the evenings as well as a couple of times in the mornings for women's bible studies and normally there are approximately two dozen in attendance. They would also have their offices located on the site.

Commissioner Jo Cato asked the applicant the specific location of the proposed site. Mr. Garcia showed an aerial of the site, showing the location of the use.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: Vice-Chairman Trivedi

ABSENT: Commissioner Aston

5. **ZN-11-08 (34788) CAMINO AL NORTE & WASHBURN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL CHURCH ON BEHALF OF JAMES J. STEVINSON & GBRK, LLC, CAMINO AL NORTE VENTURES, LLC, F & M COMMERCENTER PARTNERSHIP, LEROY JAMES CALHAU TRUST, CAMINO AL NORTE, LLC AND 5105 CAMINO, LLC, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-33-718-003, 124-33-718-005, 124-33-718-006, 124-33-718-009, 124-33-718-010, 124-33-718-011 AND 124-33-718-012.**

Item Nos. 4 and 5 were presented and heard together.

*The application was presented by Mary Aldava, Senior Planner who explained the site was currently developed as an office park and included commercial and professional office land uses. Three special use permits have been approved for the site and the uses include child care, bank and fitness center. The master plan amendment and zone change requests are in conformance with the 2006 Comprehensive Plan. Staff's only concern was with the parking. When the office park was approved, the parking was approved for office uses and Staff was concerned, that rezoning to a C-1 District, there would be more intense uses which would require more parking. Based on Staff concerns, future site plan reviews or parking studies may be requested. Staff was recommending approval of AMP-04-08 and ZN-11-08.*

*Commissioner Trivedi indicated he would be abstaining, as he was involved with a tenant improvement, Item No. 6 on this agenda, which was located within the development.*

**George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** *appeared on behalf of the applicant indicating one of the issues on the AMP was that the site was already planned for office and at this point, the western portion of the triangle along the channel, was where the residential designation was and would bring it into conformance with the overall commercial land use for the site, as well as the development, because it was already developed partially for office on the corner. He stated he concurred with Staff's analysis and recommendations on AMP-04-08 and ZN-11-08.*

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

*Chairman Brown closed the Public Hearing.*

*Commissioner Dean Leavitt asked the applicant the current membership of the church, the hours and days of operation and future uses. He asked if they planned on building their own building or expanding on the existing site. Mr. Garcia responded there was desire to occupy additional space directly behind the existing building. The plans were visionary and if they came to pass, they would be back before the Commission with that request.*

**Reverend Mark Lebsack, 844 Ben Spur Circle, North Las Vegas, NV** explained his congregation currently had an attendance between 200 and 250 people on a Sunday. They thought being able to occupy this location would enhance their ability to grow and they were looking to purchase a pad behind the current location to build on in the future. They currently meet on Sunday mornings and have bible study classes throughout the week in the evenings as well as a couple of times in the mornings for women's bible studies and normally there are approximately two dozen in attendance. They would also have their offices located on the site.

*Commissioner Jo Cato asked the applicant the specific location of the proposed site. Mr. Garcia showed an aerial of the site, showing the location of the use.*

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Vice-Chairman Trivedi

ABSENT: Commissioner Aston

6. **UN-32-08 (34804) CAMINO AL NORTE & WASHBURN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL CHURCH ON BEHALF OF 5105 CAMINO, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT (PROPOSED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-718-005.**

The application was presented by Mary Aldava, Senior Planner who explained Staff was recommending approval of UN-32-08 with the addition of Condition No. 5 to read: "A reciprocal parking agreement shall be filed with the Department of Public Works for a minimum of 103 parking spaces. A copy of the agreement shall be submitted to the Planning and Zoning Department prior to approval of the tenant improvement." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-32-08 is site specific and non transferrable.
3. That UN-32-08 shall be null and void if AMP-04-08 and ZN-11-08 are not approved by the City Council.
4. That, if the total occupant load of the proposed church exceeds 300, a complete structural analysis and design of the existing entire building shall be provided.

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

Chairman Steve Brown asked if there was concern regarding the hours of operation. Ms. Aldava responded a church would conduct business on weekends and evenings and not during the daytime, so Staff did not have any issues with the hours of operation.

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

Chairman Brown closed the Public Hearing.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF CONDITION NO. 5 TO READ:

5. A RECIPROCAL PARKING AGREEMENT SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS FOR A MINIMUM OF 103 PARKING SPACES. A COPY OF THE AGREEMENT SHALL BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT PRIOR TO APPROVAL OF THE TENANT IMPROVEMENT.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Cato

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

**NAYS:** None

**ABSTAIN:** Vice-Chairman Trivedi

**ABSENT:** Commissioner Aston

7. **T-1320 (35435) CRAIG & ALLEN. AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF CRAIG ALLEN DEVELOPMENT LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN MUD/MX2, MIXED USE DEVELOPMENT/COMMUNITY MIXED USE CENTER DISTRICT FOR A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 139-06-701-012.**

The application was presented by Mary Aldava, Senior Planner who explained Staff was requesting and making the applicant aware that the final development plan would need to be submitted for the commercial portion of the Mixed Use Development (MUD). Staff was recommending that T-1320 be approved subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances;
2. That the development of this site be in compliance with all applicable conditions of ZN-54-06 and FDP-04-08;
3. A Final Development Plan for the commercial uses shall be submitted for review and approval by the Planning Commission prior to recordation of a final map;
4. Parcel Map #32156 in process shall record prior to the final map.
5. The proposed driveway on Goldcrest Drive shall be for emergency access only.
6. The applicant must abide by all conditions of the approved Traffic Study.
7. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
8. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
  - a. Allen Lane
  - b. Goldcrest Drive
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

10. 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.

**Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant stating he concurred with Staff recommendation and requested the Commission's approval.

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

**Item No. 26 was heard next.**

8. **SPR-15-07 (35413) DEER SPRINGS N 5<sup>TH</sup> PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT INC. ON BEHALF OF CAMDEN OPERATING LP, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW 224 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DEER SPRINGS WAY AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-16-201-006.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of SPR-15-07 subject to the following conditions:

1. An additional five (5) feet of right-of-way must be dedicated along North 5<sup>th</sup> Street near Deer Springs Way per the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
2. An additional five (5) feet of right-of-way must be dedicated along Deer Springs Way at North 5<sup>th</sup> Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 to construct a flared intersection.
3. Right-of-way dedication and construction of a CAT bus turn-out is required on Deer Springs Way west of North 5<sup>th</sup> Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
4. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
5. A conforming site plan, incorporating the conditions of approval shall be submitted for review and approval to the Department of Public Works, and the Department of Planning and Zoning, prior to submittal of the drainage study and final map.
6. A queuing analysis is required.
7. 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.
8. Full half street construction is required for the area of North 5<sup>th</sup> Street adjacent to the development. The City also requires a minimum of two twelve-foot lanes of travel

and six feet of shoulder on the west side of North 5<sup>th</sup> Street adjacent to parcels 124-22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane a Centennial and North 5<sup>th</sup> Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross Councilman Eliason, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

The developer shall participate in the funding of a traffic study that shall take into account the surrounding area of North 5<sup>th</sup> Street between Azure Avenue and the 215 Beltway. The City shall make the decision on the consultant to perform the traffic study. The developer shall provide the funding for the traffic study by June 30, 2007. Should the traffic study determine that additional improvements are warranted, the developer shall be responsible for additional mitigation measures as determined by the City. Any such mitigation measures must be substantially completed prior to final inspection of the first building.

The North 5<sup>th</sup> Street improvements, as stipulated in previous conditions, may be satisfied if developer participates in a special improvement district to construct all necessary improvements on North 5<sup>th</sup> Street between Azure Avenue and the 215 Beltway. If a special improvement district is created for improvements on North 5<sup>th</sup> Street between Azure Avenue and the 215 Beltway, the developer agrees to participate in the special improvement district.

9. 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.
10. All development along North 5<sup>th</sup> Street shall provide a minimum twenty foot landscape area/common element adjacent to the right-of-way.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5<sup>th</sup> Street, Dorrell Lane and Deer Springs Way.
12. 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.
13. All public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

14. Extension of the Clark County Regional Flood Control District facility along the North 5<sup>th</sup> Street frontage is required.
15. Approval of a drainage study is required prior to submittal of the civil improvement plans.
16. 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.
17. 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.
18. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
19. The developer is responsible for acquiring any roadway, drainage or utility easements needed to construct the project.
20. The property owner is required to grant a roadway easement for commercial driveway(s).
21. 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.
22. 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.
23. The developer shall provide a thirty-three (33) foot over-pave beyond the centerline of Deer Springs, from North 5<sup>th</sup> Street to Goldfield Street.
24. A revocable encroachment permit for landscaping within the public right of way is required.

25. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
26. A minimum landscape area of five feet in width, within a common lot, must be provided behind the proposed bus turn-out.
27. The emergency access location(s) for the project shall not be located on North 5<sup>th</sup> Street.
28. Emergency access driveways shall be constructed per *Clark County Area Uniform Standard Drawing No. 226*.
29. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
30. This development shall comply with the Multifamily Development Standards including, but not limited to:
  - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents.
  - b. Balcony areas which are a minimum of 40 square feet in size.
  - c. Patio areas which are a minimum of 80 square feet in size.
  - d. Landscaped buffers a minimum of 10 feet in width along all interior property lines, which shall be provided with 36" box trees spaced not greater than 20 feet on center and 80% ground coverage..
  - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
  - f. All required landscaping between the public streets and the perimeter wall or view fence.
  - g. No building greater than one story within 35 feet of the western or northwestern property lines, with the exception of the building located adjacent to Deer Springs Way and nearest to the westerly property line shall maintain a 15-foot setback for the residential building.
  - h. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
  - i. No utility panels shall be visible from adjacent rights-of-way or properties.
  - j. Clearly defined parking areas with no more than 80 spaces per area.
  - k. Site design that encourages and allows for easy/convenient pedestrian access to North 5<sup>th</sup> Street, Dorrell Lane, Deer Springs Way and public transportation.
  - l. One trash collection facility within 300 feet of each unit shall be provided if Clark County Health District, City of North Las Vegas Environmental, or Republic Services does not approve the proposed garbage collection plan.

31. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
32. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
33. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.
34. A decorative block wall, between six and eight feet in height, is required along the western property line.
35. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
36. If VN-11-07 is not approved, or the site plan is not amended to comply with all setback requirements, this site plan shall be considered null and void.
37. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.
38. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the civil improvement plans.
39. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
  1. Circuitous lighted paths and fitness course;
  2. A minimum of twenty 24-inch box trees per acre;
  3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);

4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
  5. A minimum of one fitness facility;
  6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
  7. At least one large open space area for group/organized play;
  8. Benches spaced along pathways;
  9. Bicycle racks at 1-2 different locations;
  10. Dog stations at grassy areas;
  11. ADA accessibility; and
  12. Details of amenities to be provided.
40. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
41. Fire access lanes shall be located in accordance with Fire Code requirements.
42. Fire access lanes shall be designed in accordance with Fire Code requirements.
43. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
44. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)
45. The applicant shall comply with all requirements set forth in the attached memorandum from the Police Department.

Mr. Hoyes reminded the applicant, if the application was approved by the Planning Commission, it was required to be forwarded to City Council for final consideration because when the application was originally approved, a waiver to the parking standards was reviewed and approved as part of the application, and it required City Council action.

**Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant

explaining this was the first extension of time, with respect to the property on North 5<sup>th</sup> Street and he concurred with Staff recommendation and asked for the Commission's approval.

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

- **Bob Borgersen, 7617 Island Rail, North Las Vegas, NV 89084** stated when apartments were built tax revenue was lost and did not understand why so many apartments were being approved.
- **Ken Angell, 1408 Danielle Rebecca Avenue, North Las Vegas, NV** was concerned about apartments and the taxing it had on the City's Police Force. A consulting fee was paid and the City was informed apartment were not the way to go.

Chairman Brown closed the Public Hearing.

Commissioner Jo Cato supported the application because of the North Las Vegas 2025 Vision where there would be walkable communities along North 5<sup>th</sup> Street and based on the seminars and workshops she had attended, along the North 5<sup>th</sup> corridor and Deer Springs was going to be walkable communities with apartments, with the intent that the residents who live there would support the businesses located in that area.

Commissioner Harry Shull agreed with Commissioner Cato's comments and with the transportation corridor on North 5<sup>th</sup> Street, as it was designed for high density and the walkable communities and he was in support of the application.

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

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Cato

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Aston

9. **SPR-16-07 (35414) DEER SPRINGS GOLDFIELD PROJECT. AN APPLICATION SUBMITTED BY CAMDEN DEVELOPMENT INC. ON BEHALF OF CAMDEN OPERATING LP, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 214 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-16-201-006.**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of SPR-16-07 subject to the following conditions:

1. Approval of a traffic study is required prior to submittal of the civil improvement plans.
2. A queuing analysis is required.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
6. 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.
7. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
  - a. 40' on Deer Springs Way
  - b. 30' on Goldfield Street
  - c. associated spandrels
8. Sixty (60) foot minor residential collector streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.

9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Full width temporary pavement is required to be constructed on Deer Springs Way from the northeast corner of the property to North 5<sup>th</sup> Street.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Road.
12. 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.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. 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.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
17. 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.
18. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
19. All off-site improvements must be completed prior to final inspection of the first building.
20. Full half street construction is required for the area of North 5<sup>th</sup> Street adjacent to the development. The city also requires a minimum of two twelve foot lanes of travel and six feet of shoulder on the west side of North 5<sup>th</sup> Street adjacent to parcels 124-22-701-007, 124-22-801-008, 124-22-801-009, 124-22-801-010, 124-22-801-012 and 124-22-801-014, as well as a southbound right turn lane at Centennial and

North Fifth Street. In order to meet the minimum required improvements, the developer is responsible for constructing any and all improvements not constructed or required to be constructed by Deer Springs Cross, LLC. All street improvements must be substantially completed prior to final inspection of the first building.

The developer shall participate in the funding of a traffic study that shall take into account the surrounding area of North 5<sup>th</sup> Street between Azure Avenue and the 215 beltway. The city shall make the decision on the consultant to perform the traffic study. The developer shall provide the funding for the traffic study by June 30, 2007. Should the traffic study determine that additional improvements are warranted, the developer shall be responsible for additional mitigation measures as determined by the city. Any such mitigation measures must be substantially completed prior to final inspection of the first building.

The North 5<sup>th</sup> Street improvements, as stipulated in previous conditions, may be satisfied if developer participates in a special improvement district to construct all necessary improvements on North 5<sup>th</sup> Street between Azure Avenue and the 215 beltway. If a special improvement district is created for improvements on North 5<sup>th</sup> Street between Azure Avenue and the 215 beltway, the developer agrees to participate in the special improvement district.

21. Unless expressly, authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
22. This development shall comply with the Multifamily Development Standards including, but not limited to:
  - a. A minimum of 85,600 square feet of open space, unless otherwise increased, to be identified on an Open Space exhibit, subject to review and approval by staff prior to submittal of any construction-related documents
  - b. Balcony areas which are a minimum of 40 square feet in size.
  - c. Patio areas which are a minimum of 80 square feet in size.
  - d. Landscaped buffers a minimum of 10 feet in width along the eastern side of the development and the southern property lines.
  - e. "Left and Right" building elevations revised to match "Front and Rear Elevations."
  - f. All required landscaping between the public streets and the perimeter wall or view fence.
  - g. Meandering sidewalks separated from the backs-of-curb by a minimum five feet of landscaping.
  - h. No utility panels shall be visible from adjacent rights-of-way or properties.

23. All internal pedestrian crossings, as identified on the site plan (date-stamped March 20, 2007), shall be constructed of stamped and colored concrete, and/or pavers.
24. In accordance with the Parking Study Acceptance Letter dated March 26, 2007, from CNLV Transportation Services Administrator, a minimum 363 non-tandem parking spaces shall be provided.
25. The Clubhouse shall be reserved exclusively for the recreational use and enjoyment of the residents. A maximum 300 square feet may be used for a management and/or leasing office, but that square footage may not be counted toward the open space calculations. If the space is used as an office, then a minimum three (3) additional parking spaces shall be provided and the Open Space Plan shall be modified accordingly.
26. If VAC-03-07 is not approved, the site plan must be redesigned to include Engel Avenue, a 60-foot right-of-way.
27. A wrought iron fence is allowed along the eastern property line.
28. Decorative pilasters shall be provided for any span of wrought-iron fence greater than 25 feet, or at any location where the fence deviates from a straight line. Concrete capstones shall be provided atop each pilaster.
29. The applicant shall provide written verification from the Clark County Department of Health that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the improvement plans.
30. The applicant shall provide written verification from Republic Services that the proposed garbage collection plan, including a contingency plan, is acceptable. The written verification shall be provided in conjunction with the pre-submittal materials required prior to submittal of the civil improvement plans.
31. Pedestrian access shall be provided to any pedestrian access easement or right-of-way adjacent to the southern property line, if a suitable alternative is not approved by the Planning and Zoning Department.
32. Open space area design and amenities provided for this development shall be subject to review and approval by the Parks Department prior to submittal of any construction-related documents, and the following list of amenities shall be provided as a minimum:
  1. Circuitous lighted paths and fitness course;
  2. A minimum of twenty 24-inch box trees per acre;

3. At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada (2 play structures total);
  4. A minimum of 963 square feet of total swimming pool area with accompanying restrooms, drinking fountain, decking, barbecue areas, and shade structures at each location and a minimum of one clubhouse/cabana;
  5. A minimum of one fitness facility;
  6. Shaded group picnic areas at a minimum of two different locations (including the designated pool area), which generally include picnic table(s), barbecue grill(s), and trash receptacle(s). At least one of these picnic areas shall include a 30' diameter, lighted shade structure that can accommodate a large group gathering;
  7. At least one large open space area for group/organized play;
  8. Benches spaced along pathways;
  9. Bicycle racks at 1-2 different locations;
  10. Dog stations at grassy areas;
  11. ADA accessibility; and
  12. Details of amenities to be provided.
33. A looped water system may be required in the 2027 pressure zone, subject to review and approval of the Utilities Department. This requires a full frontage extension in Deer Springs Way, as well as an extension south in Goldfield Street to Rome Boulevard.
34. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
35. Turning radii along the fire access lane shall be designed in accordance with the Fire Code. Access roads are to be within 150 feet of the exterior walls of all structures. The 150 foot measurement shall be made as the hose lays (measurement is to be around walls, fences, etc.)
36. The applicant shall comply with all requirements set forth in the attached memorandum from the Police Department.
37. At least 2% of all 1<sup>st</sup> level units in all multi-family buildings are required to be type "A" accessibility units and rest of 1<sup>st</sup> level units shall be type "B". Type "A" and type "B" units shall comply with the provisions of IBC 2006 and ICC/ANSI A117.1-2003.

Mr. Hoyes pointed out the application would be forwarded to City Council for final consideration.

**Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Comments were carried forward from Item No. 8

- **Bob Borgersen, 7617 Island Rail, North Las Vegas, NV 89084** stated when apartments were built tax revenue was lost and he did not understand why some many apartments were being approved.
- **Ken Angell, 1408 Danielle Rebecca Avenue, North Las Vegas, NV** was concerned about apartments and the taxing it had on the City's Police Force. A consulting fee was paid and the City was informed apartment were not the way to go.

Chairman Brown closed the Public Hearing.

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

MOTION: Commissioner Shull

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

**OLD BUSINESS**

10. **UN-44-08 (35046) CENTENNIAL VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF CENTENNIAL VILLAGE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND ROME BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-24-414-001. (CONTINUED MAY 14, 2008)**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of UN-44-08 subject to conditions in Memorandum dated June 11, 2008 with Condition No. 3 amended to read: "The proposed development must comply with the Commercial Design Guidelines, including, but not limited to the following." At the request of Public Works, Condition No. 7 was amended to read: "Comply with the previous conditions of SPR-55-05 and UN-90-07." At the request of Public Works, Condition Nos. 11 and 12 would be added to read: Condition No. 11 - "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." Condition No. 12. "Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing Nos. 222.A and 225 with minimum widths of 32 feet as measured from lip of gutter to lip of gutter." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. The proposed development must comply with the following commercial design guidelines listed below:
  - a. Submit a detailed landscape plan at the time of building permits showing the size, quantity, location and type of plant materials used along the perimeter, foundation, parking lot and landscape buffer areas. Sixty (60) percent of ground coverage shall be achieved within two years of the time a Certificate of Occupancy is issued by the City.
  - b. Submit a detailed color scheme for the buildings consistent with the colors in the Las Vegas Valley and its surroundings.

4. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
5. A minimum of five stacking spaces shall be provided behind the 'ordering box'.
6. The applicant shall submit a traffic study update for review and approval.
7. Comply with the approved conditions of SPR-55-05.
8. A looped water system may be required for fire protection, subject to review and approval of the Utilities Department.
9. Submittal of a hydraulic analysis per the "Uniform Design and Construction Standards for Potable Water Systems" (UDACS) will be subjected to review and approval of the Utilities Department.
10. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.

**Jennifer Roberts, 8350 West Sahara Avenue, Las Vegas, NV** appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NOS. 3 AND 7 AMENDED AND CONDITION NOS. 11 AND 12  
ADDED TO READ:

3. THE PROPOSED DEVELOPMENT MUST COMPLY WITH THE  
COMMERCIAL DESIGN GUIDELINES, INCLUDING, BUT NOT  
LIMITED TO, THE FOLLOWING:
  - A. SUBMIT A DETAILED LANDSCAPE PLAN AT THE TIME OF  
BUILDING PERMITS SHOWING THE SIZE, QUANTITY,

LOCATION AND TYPE OF PLANT MATERIALS USED ALONG THE PERIMETER, FOUNDATION, PARKING LOT AND LANDSCAPE BUFFER AREAS. SIXTY (60) PERCENT OF GROUND COVERAGE SHALL BE ACHIEVED WITHIN TWO YEARS OF THE TIME A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE CITY.

- B. SUBMIT A DETAILED COLOR SCHEME FOR THE BUILDINGS CONSISTENT WITH THE COLORS IN THE LAS VEGAS VALLEY AND ITS SURROUNDINGS.
- 7. COMPLY WITH THE PREVIOUS CONDITIONS OF SPR-55-05 AND UN-90-07.
- 11. 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.
- 12. COMMERCIAL DRIVEWAYS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH CLARK COUNTY AREA UNIFORM STANDARD DRAWING NOS. 222.A AND 225 WITH MINIMUM WIDTHS OF 32 FEET AS MEASURED FROM LIP OF GUTTER TO LIP OF GUTTER.

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

11. **ZN-12-08 (35049) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-2, GENERAL COMMERCIAL DISTRICT TO A C-3, GENERAL SERVICE COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010. (CONTINUED MAY 14, 2008)**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of ZN-12-08.

**Attorney John Moran III, 630 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

- **Leon Howe, 6265 Judson Avenue, Las Vegas, NV 89030** stated with a 30 foot off-set requested by the applicant, he would have to move his business, The Burger Stop which was located in the corridor between the annex and the old swap meet and would cause a hardship for his business.

Chairman Brown asked for clarification on what Mr. Howe was opposed to. Mr. Howe clarified he was opposed to the 30 foot off-set. Chairman Brown indicated that was Item No. 12 and would carry his comments forward to that item.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

12. **VN-07-08 (35048) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) TO ALLOW A ZERO FOOT BUILDING SETBACK FROM A RESIDENTIAL ZONE BOUNDARY WHERE 30 FEET IS THE MINIMUM REQUIRED; A ZERO FOOT FRONT BUILDING SETBACK WHERE 30 FEET IS THE MINIMUM REQUIRED; AND A FIVE (5) FOOT PARKING LOT SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010. (CONTINUED MAY 14, 2008)**

The application was presented by Bob Hoyes, Planner who explained there was a request for a variance to reduce the 30 foot set-back along Las Vegas Boulevard from 30 feet to zero feet, or the most recent site plan identified it as two feet. The other portion of the request was a variance, specific to the residential zoned property line, where a 30 foot set-back for commercial uses was required. The applicant was requesting they be allowed a zero foot set-back. When Staff was reviewing the application, it was Staff's opinion that there was not adequate justification submitted by the applicant for Staff to support the requests, as there was nothing unique or different about the parcel. Especially, since it would be raised and started with a clean slate. With the potential expansion along Las Vegas Boulevard, to its maximum right-of-way, the potential exists, if the application was approved, to have vendors and swap meet uses within two feet of the right-of-way; therefore, as mentioned, there was no reasonable justification given to Staff to support the request and Staff was recommending that VN-07-08 be denied. Mr. Hoyes pointed out there was a memorandum from the Redevelopment Staff in the attachments that was also recommending denial of the request.

**Attorney John Moran III, 630 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant explaining they have whittled the requested variances from five to three. The third variance was the five foot parking lot set-back where ten feet was the minimum required. They gave the ten feet so it was no longer a request. He explained if the application was approved as presented, they would be preserving the status quo. The business had operated for 30 years as it was and there had not been in problems with the residential. In making their recommendation, Staff was making a strict interpretation argument. If that was the case, there would not be a need for a discretionary board. In considering the variance, the applicant was not asking for anything that had not been there for the past 30 years. The site had always been configured with the set-backs as they were being requested. He explained if the variances were not approved, people would have to be relocated that currently had an interest in the space and it would contradict what the Fire

Department suggested was the appropriate fire access at that location. He showed the location of the current access and explained if the requested variance was not approved and the fire access was moved, the entire site would have to be configured to provide fire access. The Police Department indicated some of the lighting added was appropriate. He asked the Commission for approval with the requested variances of the right-of-way and the set-back up against the residential and they would withdraw the variance request for the five foot parking lot set-back where 10 feet was the minimum required.

Chairman Steve Brown opened the Public Hearing. The following comments were carried forward from Item No. 11:

- **Leon Howe, 6265 Judson Avenue, Las Vegas, NV 89030** stated with a 30 foot off-set requested by the applicant, he would have to move his business, *The Burger Stop* which was located in the corridor between the annex and the old swap meet and would cause a hardship for his business.

The following participant came forward:

- **Javier Arridondo, 3411 Meridale Drive, Las Vegas, NV** was a vendor at the swap meet and if the spaces were moved, he would not have a place to sell his products.

Chairman Steve Brown asked Mr. Howe if he did not want the variance approved for the set-backs. Mr. Howe responded he wanted the requested variances approved, as if they were not, it would force him out of business.

Chairman Brown clarified if the variance was not approved, the site plan and use permit would follow suit and Item Nos. 13, 14 and 15 would be okay as written. Mr. Hoyes responded if the variance was denied, the conditions provided for Item Nos. 13, 14 and 15 would remain as stated in the Staff Reports. Chairman Brown asked if the variance was approved, there would be amendments to Item Nos. 13, 14 and 15. Mr. Hoyes responded that was correct.

Commissioner Harry Shull asked Staff if the City was asking for a 30 foot set-back from the wall that separates the residential from the swap meet and asked the dimension of the vending spaces. Mr. Hoyes responded the vending spaces were the lease spaces along the wall and varied in size.

Mr. Moran stated the spaces were 12 by 25.

Mr. Hoyes explained they were temporary structures and many were the Tuff Shed type buildings.

Commissioner Shull clarified they had been operating that way for the past 30 years. Mr. Hoyes responded that was correct, but Staff was not sure when the temporary structures were added as they were not permitted. As far as the existing site, Staff was not asking that any changes be made, but were talking about the expansion and were very specific to the expansion site. Mr. Hoyes explained the variance was requested for the expansion of the site.

Mr. Moran explained the site was not being expanded, but the uses on the property were being expanded. The two uses being expanded were that a live entertainment venue had been added, which would allow people to listen to live music and they also wanted to add restroom facilities at that location. They also wanted to add additional parking spaces.

Commissioner Shull asked the set-backs on the right-of-way. Mr. Moran explained there were full off-site improvements and they lined up with what was existing.

Commissioner Dilip Trivedi asked for a show of hands of those who were in support of the swap meet. There were a number of hands raised. Commissioner Trivedi did not have a problem with the second variance and asked how many stalls there were before the application was submitted and how many they were requesting. Mr. Moran responded the number of vending stalls were the same. Commissioner Trivedi asked Staff the width of Las Vegas Boulevard. Jennifer Doody of Public Works responded the width was 120 feet and at this time there were no plans for expansion and explained the right-of-way did not belong to the City, it was up to NDOT whether or not they would expand it. Commissioner Trivedi asked if variance No. 1 was not approved, what would happen. Ms. Doody responded at some date, there was a potential that NDOT could come back to widen the road, then some of the landscaping would be lost. Commissioner Trivedi was reluctant to approve a plan that did not have landscaping and felt the site could be reconfigured.

Mr. Moran understood Commissioner Trivedi's concerns with the landscape issue, but there was 10 feet of landscaping along Las Vegas Boulevard and explained the landscaping was not on their property, but it was there.

Mr. Hoyes explained the landscaping the applicant was referring to was in the NDOT right-of-way, so if the variance was approved and NDOT widened Las Vegas Boulevard to its maximum right-of-way, there would be no landscaping between the right-of-way and the use. Mr. Trivedi explained that was why he was opposed to the variance request.

Mr. Moran stated if NDOT were to expand Las Vegas Boulevard, it would be done by eminent domain. He explained they wanted to maintain the integrity of the site that had already been approved.

Commissioner Trivedi understood Mr. Moran's position, but was opposed to losing the landscaping should NDOT decide to expand Las Vegas Boulevard in the future. He pointed out to Mr. Moran that he had the opportunity to rearrange the site plan and may lose some parking spaces in the process.

Commissioner Dean Leavitt pointed out there was a discrepancy between Fire Department Staff and Planning Staff with respect to the access route Mr. Moran showed and asked for Staff comment. Janice Carr of the Fire Department responded there was no discrepancy. All the Fire Department was asking, was that an access lane be maintained throughout the site, whether it was in the area shown or another area.

Commissioner Jo Cato was also concerned about the landscaping in the event there were changes to Las Vegas Boulevard. She clarified the site was not being expanded, the acreage would remain the same. Mr. Moran pointed out there was a parking lot being added and there was a new use being added.

**Greg Dans, 2197 Orchard Mist, Las Vegas, NV** pointed out on the overhead, what was on the current site and a five acre site that was being added for parking. The vendor spaces that were being moved from the proposed entertainment area would be moved to another area and there would be the same number of vendors.

Commissioner Shull asked Staff if Las Vegas Boulevard was expanded and the landscaping removed, if the City could make it incumbent upon them to acquire more landscaping.

Deputy City Attorney Nick Vaskov explained Staff considered the use legally, non-conforming, meaning it was a use that was in place before the current code requirements, as to design for set-back and things like that. Whenever a legal non-conforming use wishes to expand their use, one of the things required was to bring the entire site up to current code standards and that was what Staff was trying to do with the proposed conditions. The applicant simply disagrees with Staff's effort to bring it up to the current standards.

Mr. Moran stated they were hoping to preserve the integrity of the grandfather issue at the proposed location.

Chairman Brown asked if a 30 foot set-back was also being requested on the area of the new parking stalls. Mr. Hoyes responded the zoning ordinance required a minimum 10 foot set-back for parking lots adjacent to rights-of-way. The Commercial Design Standards require a 20 foot landscape buffer between parking lots and rights-of-way, so what the applicant had indicated, was that they have withdrawn their request for a variance for the parking areas, which they were originally requesting to be consistent with the rest of the

swap meet; therefore, they have acknowledged that they would satisfy or comply with the 10 foot set-back for the parking areas and perhaps the applicant to verify that.

Mr. Moran stated they would install 10 feet of landscape to match with what was currently in place.

Mr. Hoyes stated that was not consistent with what Staff was lead to believe because the landscaping was all within the right-of-way, so on-site landscaping and on-site set-backs from the property line was non-existent.

Chairman Brown liked the idea of the swap meet but did not like having a zero foot set-back anywhere in the City and was not in support of the variance request; although, he could support a smaller set-back and suggested possibly 10 foot.

Commissioner Shull asked if a set-back was imposed, the applicant would be required to landscape within their set-back and the additional landscape, but where the new parking lot was going in, they would not be required to landscape within the inside of the right-of-way or would they be required to landscape within the right-of-way and then landscape on their property. Mr. Hoyes responded the Commission and Redevelopment Agency have required applicants along Las Vegas Boulevard to landscape within the right-of-way. Commissioner Shull felt it was unfortunate, as the applicant wanted to improve their site, but at the same time, the City has new requirements that should be upheld for the future.

Commissioner Cato would support possibly a 10 foot landscape buffer.

Chairman Brown asked the applicant if they would be willing to continue the application. Mr. Moran responded he would like a vote.

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

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Shull**

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

**NAYS: None**

**ABSTAIN: None**

**ABSENT: Commissioner Aston**

- 13. SPR-19-08 (35047) BROADACRES OPEN AIR MARKET. AN APPLICATION ON BEHALF OF BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) FOR AN EXPANSION TO AN EXISTING SWAP MEET CONSISTING OF A 6,000-SQUARE-FOOT-BEVERAGE/RESTROOM BUILDING; AN ADDITIONAL PARKING AREA; AN ENTERTAINMENT VENUE; AND ADDITIONAL FOOD STALLS. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010. (CONTINUED MAY 14, 2008)**

The application was presented by Bob Hoyes, Planner who explained the applicant originally had requested nine waivers and at this time were requesting four. Based on the previous action and the waiver requests submitted with this application, Staff would support waiver No. 3 as outlined in the memorandum, which specifically addressed a sidewalk separation along Las Vegas Boulevard and the sidewalk be meandering. If the sidewalk was in place, the applicant would not be asked to take out the existing sidewalk and put in a new one that was in compliance with current code requirements; therefore, Staff would support that waiver request and with the previous action, Staff was recommending approval of SPR-19-08 subject to the conditions listed with Condition No. 22 amended to read: "The parking lot shall be equipped with adequate lighting as approved after review by the North Las Vegas Police Department as part of the building permit application packet." Staff would support deleting Condition No. 25 because time limitations were addressed in the use permit and Condition No. 26 amended to read: "A Crime Prevention Through Environmental Design (CPTED) analysis for this site shall be submitted to the Police Department. The applicant shall demonstrate conformance with the recommendations in the analysis prior to the issuance of a business license." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That SPR-19-08 shall be null and void if ZN-12-08 is not approved by the City Council.
3. That the existing billboard on parcel no. 139-13-605-009 shall be utilized only for off-premise advertising or the sign shall be removed.
4. That the developer shall provide the required 20 foot landscape buffer area from the adjacent residential properties along the rear property lines of parcel no(s). 139-13-

605-006 and 139-13-605-010. The 20 foot landscape buffer shall be planted and maintained with 24" box trees at a maximum spacing of 20 feet on center. **The 20 foot landscaped area shall be landscaped with approved plant materials to provide a minimum ground coverage of 60%, not including trees. The 60% coverage shall be reached within two (2) years of the time a Certificate of Occupancy is issued by the City.**

5. That the developer shall provide 20 feet of landscaped area adjacent to the property line within the subject properties, along North Las Vegas Boulevard. The 20 foot landscaped area shall be landscaped with approved plant materials to provide a minimum ground coverage of 60% ,not including trees. The 60% coverage shall be reached within two (2) years of the time a Certificate of Occupancy is issued by the City.
6. That all proposed site-built structures and decorative walls shall use stone, stucco, colored or exposed aggregate or textured finish concrete, decorative block and brick as preferred materials for building exteriors and decorative walls. Simulated materials and building systems which provide a look which is similar to the preferred materials may also be acceptable.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. 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.
10. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
11. Nevada Department of Transportation (NDOT) approval of the driveways is required.
12. An NDOT encroachment permit for landscaping in the public right and for construction of the proposed commercial driveways on Las Vegas Boulevard is required.
13. The two existing driveways on APN 139-13-605-006 must be closed off.

14. 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 if they are relocated or adjusted.
15. The property owner is required to sign a restrictive covenant for utilities.
16. 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.
17. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
18. All off-site improvements must be completed prior to final inspection of the first building.
19. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.
  - a. The City of North Las Vegas does not permit the construction of any buildings within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). Under this policy, the applicant must meet the following requirements prior to issuance of permits and certificates of occupancy:
  - b. Grading and off-site construction permits may be issued once a copy of the Conditional Letter of Map Review (CLOMR) application has been submitted to FEMA for processing.
  - c. Building permits may be issued once a CLOMR has been obtained from FEMA.
  - d. Certificates of Occupancy can be issued once a Letter of Map Revision (LOMR) has been obtained from FEMA.
20. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
21. Fire access lanes shall be clearly defined by either curbing or marking the boundaries on the ground.

22. The parking lot shall be equipped with adequate lighting, as approved after review by the North Las Vegas Police Department.
23. There shall be either security patrols or security cameras installed in the parking lot.
24. Both the stage area and the beverage building shall be equipped with security lighting and an alarm.
25. There shall be strict time restrictions for when performances can be done, as not to interfere with the quality of life of the neighboring residential areas.
26. A CPTED analysis for this site shall be required.

**Attorney John Moran III, 630 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED ; FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 25 AND CONDITION NOS. 22 AND 26 AMENDED TO READ:

22. THE PARKING LOT SHALL BE EQUIPPED WITH ADEQUATE LIGHTING AS APPROVED AFTER REVIEW BY THE NORTH LAS VEGAS POLICE DEPARTMENT AS PART OF THE BUILDING PERMIT APPLICATION PACKET.
26. A CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) ANALYSIS FOR THIS SITE SHALL BE SUBMITTED TO THE POLICE DEPARTMENT. THE APPLICANT SHALL DEMONSTRATE CONFORMANCE WITH THE RECOMMENDATIONS IN THE ANALYSIS PRIOR TO THE ISSUANCE OF A BUSINESS LICENSE.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston



14. **UN-43-08 (35039) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) TO ALLOW THE EXPANSION OF AN EXISTING SWAP MEET. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010. (CONTINUED MAY 14, 2008)**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of UN-43-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-43-08 is site specific and non transferrable.
3. That UN-43-08 shall comply with the conditions of approval for SPR-19-08.
4. That UN-43-08 shall be null and void if ZN-12-08 is not approved by the City Council.
5. That the existing billboard on parcel no. 139-13-605-009 shall be utilized only for off-premise advertising or the sign shall be removed.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. 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.
9. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
10. Nevada Department of Transportation (NDOT) approval of the driveways is required.

11. An NDOT encroachment permit for landscaping in the public right and for construction of the proposed commercial driveways on Las Vegas Boulevard is required.
12. The two existing driveways on APN 139-13-605-006 must be closed off.
13. 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 if they are relocated or adjusted.
14. The property owner is required to sign a restrictive covenant for utilities.
15. 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.
16. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
17. All off-site improvements must be completed prior to final inspection of the first building.
18. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.
  - a. The City of North Las Vegas does not permit the construction of any buildings within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). Under this policy, the applicant must meet the following requirements prior to issuance of permits and certificates of occupancy:
  - b. Grading and off-site construction permits may be issued once a copy of the Conditional Letter of Map Review (CLOMR) application has been submitted to FEMA for processing.
  - c. Building permits may be issued once a CLOMR has been obtained from FEMA.
  - d. Certificates of Occupancy can be issued once a Letter of Map Revision (LOMR) has been obtained from FEMA.

**Attorney John Moran III, 630 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

15. **UN-45-08 (35044) BROADACRES OPEN AIR MARKET (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKETPLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT AND A C-2, GENERAL COMMERCIAL DISTRICT (PROPOSED C-3, GENERAL SERVICE COMMERCIAL DISTRICT) TO ALLOW AN OUTDOOR STAGE/AMPHITHEATER AND OUTDOOR RECREATION FACILITY. THE PROPERTY IS LOCATED AT 2960 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-605-006, 139-13-605-007, 139-13-605-008, 139-13-605-009 AND 139-13-605-010. (CONTINUED MAY 14, 2008)**

The application was presented by Bob Hoyes, Planner who explained Staff was recommending approval of UN-45-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-45-08 is site specific and non transferrable.
3. That UN-45-08 shall comply with the conditions of approval for SPR-19-08.
4. That the hours of operation for amphitheater/outdoor stage performances shall be limited to 10:00AM through 6:00PM.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. 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.
8. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
9. Nevada Department of Transportation (NDOT) approval of the driveways is required.
10. An NDOT encroachment permit for landscaping in the public right and for construction of the proposed commercial driveways on Las Vegas Boulevard is required.

11. The two existing driveways on APN 139-13-605-006 must be closed off.
12. 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 if they are relocated or adjusted.
13. The property owner is required to sign a restrictive covenant for utilities.
14. 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.
15. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
16. All off-site improvements must be completed prior to final inspection of the first building.
17. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.
  - a. The City of North Las Vegas does not permit the construction of any buildings within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). Under this policy, the applicant must meet the following requirements prior to issuance of permits and certificates of occupancy:
  - b. Grading and off-site construction permits may be issued once a copy of the Conditional Letter of Map Review (CLOMR) application has been submitted to FEMA for processing.
  - c. Building permits may be issued once a CLOMR has been obtained from FEMA.
  - d. Certificates of Occupancy can be issued once a Letter of Map Revision (LOMR) has been obtained from FEMA.

**Attorney John Moran III, 630 South Fourth Street, Las Vegas, NV 89101** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARDED TO THE REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Shull

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Aston

There was a break in proceedings at 7:45 p.m.

The meeting reconvened at 7:54 p.m.

16. **VN-08-08 (35129) ANN & FERRELL RV STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PACIFIC DESIGN CONCEPTS ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 15 FOOT 4 INCH HIGH PERIMETER WALL WHERE TEN (10) FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT 3150 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002. (CONTINUED MAY 28, 2008)**

The application was presented by Mary Aldava, Senior Planner who explained the use permit for the RV Storage Facility was approved at the May 28, 2008 Planning Commission meeting and since the applicant was not present for comment, VN-08-08 was continued to this meeting. Staff was recommending approval of VN-08-08 subject to the following conditions:

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

**Richard Gallegos, 3005 West Horizon Ridge Parkway, Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

17. **AMP-05-08 (35212) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REALIGN COLLETTE STREET AND SEVERANCE LANE. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY AND WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-14-000-002, 124-14-000-006, 124-23-501-005 AND 124-23-501-007. (CONTINUED MAY 28, 2008)**

The application was presented by Jeremy Davis, Urban Designer who explained the amendment was consistent with the recently approved amendment to the Development Agreement between the City of North Las Vegas and November 2005 for the Park Highlands Master Planned Community. Staff had to objection to the application and was recommending approval of AMP-05-08.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

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

18. **GED-02-08 (35214) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING, LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-006. (CONTINUED MAY 28, 2008)**

The application was presented by Jeremy Davis, Urban Design who explained as part of the application, the applicant had to demonstrate that it would be an economic benefit to the City of North Las Vegas and Staff had enumerated several points in the Staff Report supporting that justification; therefore, Staff was recommending GED-02-08 be approved and forwarded to City Council for final consideration.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant and gave some background on the development team. He introduced Blake Comers to give some background on Boyd Gaming and the plans for the site.

**Blake Comers, Vice President of Development for Boyd Gaming, 6465 South Rainbow Boulevard, Las Vegas, NV** gave some history on Boyd Gaming and what they have contributed to the Las Vegas Valley. Mr. Comers indicated Boyd Gaming was anxious to expand their business in North Las Vegas, with the development of a casino. They were proposing to build a hotel, casino and entertainment facility on the northwest corner of the 215 Beltway and Losee Road within the master planned community of Park Highlands. Boyd Gaming currently owns a 40 acre parcel located at the intersection of Centennial Parkway and Lamb Boulevard. The site was approved for a hotel/casino and they would restrict the site from casino gaming if the current application was approved. The proposed site was superior to the previously approved site, as it was highly buffered and remote from any residential development and was located within a master planned community and was in the middle of a very large area that would be developed as mixed use commercial. The property would include a 1200 room hotel built in three phases, a full service casino, a diversity of restaurants, several entertainment options, pool, spa and meeting facilities. Because the site was located immediately adjacent to the 215 Beltway, it provided the highest level of access and created the least amount of traffic impact on the community.

Mr. Gronauer stated the Nevada Revised Statutes (NRS) requires an applicant, when they are proposing to expand the gaming enterprise district, to provide certain evidence on record to prove their case in order to get the approval for the Gaming Enterprise District (GED). One of the requirements was to have a court reporter present transcribing the

proceedings and was required to go through several elements of requirements. Mr. Gronauer presented an exhibit showing the site. He indicated there was approximately 64.6 acres of property they were proposing to build their establishment on. There were over 2000 acres on the east parcel which included the gaming site. When the development agreement was approved in May 2006, that portion was master planned for regional commercial with a resort overlay. Recently, a major modification was approved by City Council, expanding the area for regional commercial with a resort overlay for the proposal for the GED being presented. He showed that the proposed establishment would be located in an area planned or zoned for that purpose. On the date the petition was filed, the proposed establishment was not less than 500 feet from a property line of a developed residential district and 1500 feet from a property line of a public school, private school or structure used primarily for religious service or worship. He showed there was a 500 foot radius around the property, so they met that burden. Also, there is a 1500 foot radius and there are no structures, with the exception of the Beltway that runs through the radius area. The proposed establishment would not adversely affect a developed residential district or a public school, private school, or structure used primarily for religious services whose property line was within 2500 feet from the property line of the proposed establishment. Under Exhibit 3 there was a demarcation of the 2500 foot radius and it was obvious that there was nothing within the 2500 foot radius of a developed residential district or a structure of a public school, private school, or any type of religious facility; therefore, the conclusion was that there was no adverse affect. He showed the proposed establishment would not unduly impact the public services. One of the key components was they would provide 24 hour armed security and Boyd Gaming security would work closely with the police services, which would cut down on the amount of time and number of calls that were actually taken on a commercial establishment. A consultant was hired, who came up with the same conclusion, that said the proposed establishment would not unduly impact the Police services. Park Highlands committed to build a regional facility for a police station in the area. A fire code has been constructed and they are in the process prior to the opening of the casino and would have a fire station on line, which they have already committed to the City of North Las Vegas to purchase a fire engine and they were the first master planned developer to agree to purchase a fire ladder truck, which was done with the negotiations approximately three years ago. The Fire Department and Chief are in support of the application and Boyd Gaming and Olympia have agreed to provide the city of North Las Vegas, with the approval of the application, for the EMS vehicles to be located and housed in their fire station. He believed the information supporting the proposed establishment would not have an undue impact.

The proposed establishment would not unduly impact the consumption of natural resources. They would be employing conservation measures as required by local laws. Natural resources were monitored and managed by the State of Nevada and they would be in compliance with those regulations. The proposed establishment would not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods. In the

past, evidence was submitted in support of other neighboring casinos that show that people who live near existing casinos and master planned communities or outside of master planned communities believe their quality of life was actually enhanced as the facility would include bowling alleys, movie theaters, restaurants, and meeting rooms. The hotel/casino was well placed in the master planned community.

The casino/hotel would be served by Losee Road, the 215 Beltway, Collette Street, Severence Lane, and Park Highlands Boulevard. Studies have been prepared which support that the roads in the area are adequate. Technical information and studies have been submitted which shows that water to the site would be adequate. Studies were submitted showing wastewater collection systems and related services to the proposed establishment was adequate. They were working with Nevada Power so there would be adequate power for the proposed establishment and were also working with Southwest Gas so those services would be adequate for the site and were working with Embarq and Cox Communications on those services.

The proposed establishment would not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area. The proposed establishment was located on the west side of Losee Road and north side of the 215 Beltway. There was a detention facility on the west side of the site and to the north, there was some commercial development. There was some medium-high density to the southwest and the Beltway. Losee Road was a major intense corridor and there would be heavy traffic with a lot of intense uses. Staff was recommending approval of the proposed use, so you could come to the conclusion that it was compatible and harmonious to the surrounding area.

It must be shown that the proposed establishment would enhance, expand and stabilize employment in the local economy. Applied Analysis prepared a study, which said the proposed establishment's ongoing operations are anticipated to directly employ approximately 2,250 full-time employees with approximately \$99 Million in wages and salaries per year, including direct, indirect and induced impacts. The proposed establishment is projected to support a total of 2,900 employees with combined earnings, which is wages and salaries, of \$137 Million annually. The total economic output source to the proposed establishment was projected to total approximately \$550 Million annually. For every \$1 spent at the proposed establishment, a total of \$1.98 in aggregate economic activity is expected to occur within the region. The proposed establishment will have a significant economic and fiscal impact on the surrounding region, will increase employment base and generate millions of dollars in State and local tax revenues.

Mr. Gronauer explained Boyd Gaming had an existing site on the southwest corner of Centennial Parkway and Lamb Boulevard and permits have been submitted and they entered into a joint venture with the Olympia Group, because when both sites were

reviewed, the proposed location was better suited for a casino, so they would agree to a condition on the special use permit, if it was approved. The approval would require the applicant to do a deed restriction on the site that was already entitled. He pointed out the approval of the GED and the use permit for the resort/hotel did not approve a brand new one or extra gaming site for the City of North Las Vegas. The goal was to have a net sum of zero impact with respect to the number of new casinos coming into North Las Vegas. They were moving the casino from one location to another. He proposed the following condition: "The applicant will execute and record a deed restriction on APN 123-30-501-008, restricting any future use of the property for non-restricted gaming uses. The deed restriction shall only be recorded if a Gaming Enterprise District designation is approved for Parcel 4.09A on the east parcel of Park Highlands Land Use Plan and after all administrative and judicial appeals are exhausted. The form of deed restriction documents shall be reviewed and approved by the City Attorney's Office." He pointed out Park Highlands and Boyd Gaming had done as much outreach as possible. They held a neighborhood meeting a few months ago to introduce themselves to the neighbors in the general vicinity to explain what was being proposed. After having discussions with people who attended the meeting, he felt they were comfortable with what was being proposed. He asked for the Commission's approval.

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

Chairman Brown closed the Public Hearing.

Mr. Gronauer stated they had agreed with Nellis Air Force Base that they would sign a navigation agreement and would be working with Nellis between now and when the application was heard by City Council. Also, for the record, he asked those who appeared in support of the application to stand up. There were 23 people in attendance who were in support of the application.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

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

19. **ZN-13-08 (35213) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY AND C-2/MPC, GENERAL COMMERCIAL DISTRICT/MASTER PLANNED COMMUNITY TO PUD/MPC, PLANNED UNIT DEVELOPMENT DISTRICT/MASTER PLANNED COMMUNITY CONSISTING OF A HOTEL, CASINO AND RETAIL COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-006. (CONTINUED MAY 28, 2008)**

The application was presented by Jeremy Davis, Urban Designer who explained for a casino to go forward on the site, it would also require the subsequent approval of a GED and a gaming use permit. Staff had no objection to the site plan and finds it was consistent with the Development Agreement, Development Standards and the Design Guidelines for the Park Highlands Master Planned Community; therefore was recommending approval of ZN-13-08 subject to the following conditions:

1. That the development shall comply with all applicable codes and ordinances.
2. That the final development plans for the multi-phase development shall be subject to Planning Commission review and approval.
3. That the approval for the special use permit (UN-50-08) to allow a casino on the site shall be valid for eight (8) years, and that extensions of time may be granted for a period of not more than two (2) years each.
4. That the uses in this PUD shall be restricted to the principally permitted, special or accessory uses for Planning Parcel 4.09A and/or C-2/MPC zoning district as set forth under the Development Agreement between the City of North Las Vegas and November 2005 Land Investors, LLC./DRHI, Inc.
5. That height restrictions in this PUD shall be those set forth for Planning Parcel 4.09A under the Development Agreement between the City of North Las Vegas and November 2005 Land Investors, LLC./DRHI, Inc.
6. That setbacks shall adhere to the setbacks for the C-2/MPC zoning district as set forth under the Development Agreement between the City of North Las Vegas and November 2005 Land Investors, LLC./DRHI, Inc.

7. That a Master Sign Plan shall be submitted before or concurrently with the Final Development Plan for Phase 1 of the development for review and administrative approval by staff.
8. **That the maximum height for two (2) on-premise freestanding pylon signs located along the southern property line shall be limited to 125 feet. The on-premise freestanding pylon signs must be a minimum of 200 feet away from Collette Street.**
9. That the maximum height for on-premise freestanding pylon signs located along the commercial driveways at Losee Road and Severance Lane shall be 80 feet.
10. That the maximum height for an on-premise freestanding pylon sign located at the corner of Losee Road and Severance Lane shall be 45 feet.
11. **That the maximum height for monument signs and directional signs located throughout the site shall be 10 feet.**
12. **That signage along the frontage of Collette Street shall be limited to monument signs and directional signs.**
13. That signage for the two (2) retail/commercial pad sites included on the site plan shall be restricted to directional signs, monument signs, and wall signs.
14. That the two (2) retail/commercial pad sites included on the site plan shall be allowed to make use of allocated sign area on a directory pylon sign, if a directory pylon sign is proposed along Losee Road, Severance Lane, and/or the 215 Beltway.
15. Approval of a drainage study is required prior to submittal of the civil improvement plans.
16. Conformance to the Conceptual Master Drainage Study Update.
17. 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.
18. Clark County Public Works (CCPW) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
19. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.

20. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works or as approved under the Development Agreement between the City of North Las Vegas and November 2005 Land Investors, LLC./DRHI, Inc.
21. 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.
22. 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.
23. All off-site improvements must be completed prior to final inspection of the first building.
24. The applicant shall submit a complete revision to the Master Transportation Study for review and approval.
25. Dedicate right of way for bus turn-outs and flared intersections per approved Master Traffic Study.
26. The property owner is required to grant a roadway easement for commercial driveway(s).
27. The property owner is required to sign a restrictive covenant for utilities.
28. If the property is subdivided in the future, the applicant may submit a commercial subdivision map or a parcel map. A commercial subdivision map must be submitted prior to development.
29. The property owner is required to grant a public utility easement and pathway pedestrian access easements per the Master Development Agreement.
30. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
  - a. Collette Street
  - b. Severence Lane
  - c. Losee Road
  - d. Associated spandrels

31. An update to the 2,074 Acre Site - Water Masterplan will be required to be submitted and approved prior to the submittal of infrastructure and/or civil improvement plans.
32. An update to the 2,074 Acre Site - Wastewater Masterplan will be required to be submitted and approved prior to the submittal of infrastructure and/or civil improvement plans.
33. General Provisions and Conditions of the "City of North Las Vegas Water Service Rules and Regulations" shall be adhered to.
34. The applicant is required to provide two (2) EMS vehicles per typical North Las Vegas Fire Department standards to be housed at the fire station that will be built on Parcel 2.11 within the East Parcel of Park Highlands.
35. The two (2) EMS vehicles must be provided prior to the opening of the casino.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

- **Paul Versailles, 3224 Black Jade Avenue, North Las Vegas, NV 89081** was in favor of the application as it would give more tax revenue to the City and more places for entertainment and dining for residents. Boyd Gaming agreed to have the property as a casino rather than the property previously approved for a casino. He asked the City to stipulate the previously approved site was no longer suitable for a casino as it was next to residential. He also requested that realtors be required to disclose when a residential area was in the vicinity of a proposed casino.

Mr. Gronauer clarified that on the special use permit for the hotel/casino, they would be proposing a condition that required Boyd Gaming to deed restrict the site, which was located on Centennial Parkway and Lamb Boulevard. It would be deed restricted from non-restricted gaming uses on the property. The intent was to go over that with the GED application and the special use permit application.

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

**MOTION: Commissioner Leavitt  
SECOND: Commissioner Shull**

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

**Item Nos. 21 through 25 were heard next.**

- 20. UN-50-08 (35207) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY AND C-2/MPC, GENERAL COMMERCIAL DISTRICT/MASTER PLANNED COMMUNITY (PROPOSED PUD/MPC, PLANNED UNIT DEVELOPMENT DISTRICT/MASTER PLANNED COMMUNITY) TO ALLOW A HOTEL/CASINO. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-006. (CONTINUED MAY 28, 2008)**

The application was presented by Jeremy Davis, Urban Designer who explained Staff felt the project met all of the Design Guidelines and Development Standards in the Park Highlands Development Agreement. Staff was recommending approval of UN-50-08 subject to the conditions listed in the Staff Report and also Condition No. 16, which was read into the record by Mr. Gronauer on GED-02-08 as follows: "The applicant will execute and record a deed restriction on APN 123-30-501-008 restricting any future use of the property for non-restricted gaming uses. The deed restriction shall only be recorded if a Gaming Enterprise District designation is approved for Parcel 4.09A on the east parcel of the Park Highlands Land Use Plan and after all administrative and judicial appeals are exhausted. The form of the deed restriction document shall be reviewed and approved by the City Attorney's Office." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-50-08 is site specific and non transferrable.
3. That UN-50-08 shall be null and void if GED-02-08 and ZN-13-08 are not approved by the City Council.
4. That UN-50-08 shall comply with all conditions of approval for ZN-13-08.
5. That UN-50-08 shall be valid for a period of eight (8) years and that extensions of time may be granted for a period of not more than two (2) years each.
6. That the design of the structures shall take into consideration future wireless communications facilities.
7. That the proposed groundcover species, Asiatic Jasmine, shall be removed or replaced with another approved plant species per the Park Highlands Design Guidelines.

8. That parking requirements shall be calculated and met at the time of review and approval for each of the three (3) proposed phases of development based on **applicable code requirements and that the developer shall have the ability to reduce allocated parking via an approved parking study per the Park Highlands Design Guidelines that demonstrates that a reduction in parking is warranted.**
9. **Helicopters are not allowed to be fueled on top of structures (no heliports allowed on top of buildings).**
10. A radio repeater system per the specifications of the North Las Vegas Fire Department will be provided.
11. Unless otherwise allowed by the Fire Chief, an air rescue system per the specifications of the North Las Vegas Fire Department will be installed.
12. Unless otherwise allowed by the Fire Chief, firefighter equipment rooms, per the specifications of the North Las Vegas Fire Department will be provided.
13. The fire command center shall be located at grade.
14. A fire protection report shall be approved by the City prior to submitting any building plans.
15. Applicant is required to file a valid FAA form 7460-1 "Notice of Proposed Construction or Alteration" with the FAA, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation. If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Clark County Director of Aviation or a Variance from the Clark County Airport Hazard Areas Board of Adjustment (AHABA) prior to construction.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant asking to incorporate comments from Item No. 18. Comments are as follows:

***Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169 appeared on behalf of the applicant and gave some background on the development team. He introduced Blake Comers to give some background on Boyd Gaming and the plans for the site.***

**Blake Comers, Vice President of Development for Boyd Gaming, 6465 South Rainbow Boulevard, Las Vegas, NV** gave some history on Boyd Gaming and what they have contributed to the Las Vegas Valley. Mr. Comers indicated Boyd Gaming was anxious to expand their business in North Las Vegas, with the development of a casino. They were proposing to build a hotel, casino and entertainment facility on the northwest corner of the 215 Beltway and Losee Road within the master planned community of Park Highlands. Boyd Gaming currently owns a 40 acre parcel located at the intersection of Centennial Parkway and Lamb Boulevard. The site was approved for a hotel/casino and they would restrict the site from casino gaming if the current application was approved. The proposed site was superior to the previously approved site, as it was highly buffered and remote from any residential development and was located within a master planned community and was in the middle of a very large area that would be developed as mixed use commercial. The property would include a 1200 room hotel built in three phases, a full service casino, a diversity of restaurants, several entertainment options, pool, spa and meeting facilities. Because the site was located immediately adjacent to the 215 Beltway, it provided the highest level of access and created the least amount of traffic impact on the community.

Mr. Gronauer stated the Nevada Revised Statutes (NRS) requires an applicant, when they are proposing to expand the gaming enterprise district, to provide certain evidence on record to prove their case in order to get the approval for the Gaming Enterprise District (GED). One of the requirements was to have a court reporter present transcribing the proceedings and was required to go through several elements of requirements. Mr. Gronauer presented an exhibit showing the site. He indicated there was approximately 64.6 acres of property they were proposing to build their establishment on. There were over 2000 acres on the east parcel which included the gaming site. When the development agreement was approved in May 2006, that portion was master planned for regional commercial with a resort overlay. Recently, a major modification was approved by City Council, expanding the area for regional commercial with a resort overlay for the proposal for the GED being presented. He showed that the proposed establishment would be located in an area planned or zoned for that purpose. On the date the petition was filed, the proposed establishment was not less than 500 feet from a property line of a developed residential district and 1500 feet from a property line of a public school, private school or structure used primarily for religious service or worship. He showed there was a 500 foot radius around the property, so they met that burden. Also, there is a 1500 foot radius and there are no structures, with the exception of the Beltway that runs through the radius area. The proposed establishment would not adversely affect a developed residential district or a public school, private school, or structure used primarily for religious services whose property line was within 2500 feet from the property line of the proposed establishment. Under Exhibit 3 there was a demarcation of the 2500 foot radius and it was obvious that there was nothing within the 2500 foot radius of a developed residential district or a structure of a public school, private school, or any type of religious facility; therefore, the conclusion was that there was no adverse affect. He showed the proposed establishment

*would not unduly impact the public services. One of the key components was they would provide 24 hour armed security and Boyd Gaming security would work closely with the police services, which would cut down on the amount of time and number of calls that were actually taken on a commercial establishment. A consultant was hired, who came up with the same conclusion, that said the proposed establishment would not unduly impact the Police services. Park Highlands committed to build a regional facility for a police station in the area. A fire code has been constructed and they are in the process prior to the opening of the casino and would have a fire station on line, which they have already committed to the City of North Las Vegas to purchase a fire engine and they were the first master planned developer to agree to purchase a fire ladder truck, which was done with the negotiations approximately three years ago. The Fire Department and Chief are in support of the application and Boyd Gaming and Olympia have agreed to provide the city of North Las Vegas, with the approval of the application, for the EMS vehicles to be located and housed in their fire station. He believed the information supporting the proposed establishment would not have an undue impact.*

*The proposed establishment would not unduly impact the consumption of natural resources. They would be employing conservation measures as required by local laws. Natural resources were monitored and managed by the State of Nevada and they would be in compliance with those regulations. The proposed establishment would not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods. In the past, evidence was submitted in support of other neighboring casinos that show that people who live near existing casinos and master planned communities or outside of master planned communities believe their quality of life was actually enhanced as the facility would include bowling alleys, movie theaters, restaurants, and meeting rooms. The hotel/casino was well placed in the master planned community.*

*The casino/hotel would be served by Losee Road, the 215 Beltway, Collette Street, Severence Lane, and Park Highlands Boulevard. Studies have been prepared which support that the roads in the area are adequate. Technical information and studies have been submitted which shows that water to the site would be adequate. Studies were submitted showing wastewater collection systems and related services to the proposed establishment was adequate. They were working with Nevada Power so there would be adequate power for the proposed establishment and were also working with Southwest Gas so those services would be adequate for the site and were working with Embarq and Cox Communications on those services.*

*The proposed establishment would not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area. The proposed establishment was located on the west side of Losee Road and north side of the 215 Beltway. There was a detention facility on the west side of the site and to the north, there was some commercial development. There was some medium-high density to the southwest and the Beltway. Losee Road was a major intense corridor and there would be heavy traffic with a lot of intense uses. Staff was recommending approval of the proposed*

*use, so you could come to the conclusion that it was compatible and harmonious to the surrounding area.*

*It must be shown that the proposed establishment would enhance, expand and stabilize employment in the local economy. Applied Analysis prepared a study, which said the proposed establishment's ongoing operations are anticipated to directly employ approximately 2,250 full-time employees with approximately \$99 Million in wages and salaries per year, including direct, indirect and induced impacts. The proposed establishment is projected to support a total of 2,900 employees with combined earnings, which is wages and salaries, of \$137 Million annually. The total economic output source to the proposed establishment was projected to total approximately \$550 Million annually. For every \$1 spent at the proposed establishment, a total of \$1.98 in aggregate economic activity is expected to occur within the region. The proposed establishment will have a significant economic and fiscal impact on the surrounding region, will increase employment base and generate millions of dollars in State and local tax revenues.*

*Mr. Gronauer explained Boyd Gaming had an existing site on the southwest corner of Centennial Parkway and Lamb Boulevard and permits have been submitted and they entered into a joint venture with the Olympia Group, because when both sites were reviewed, the proposed location was better suited for a casino, so they would agree to a condition on the special use permit, if it was approved. The approval would require the applicant to do a deed restriction on the site that was already entitled. He pointed out the approval of the GED and the use permit for the resort/hotel did not approve a brand new one or extra gaming site for the City of North Las Vegas. The goal was to have a net sum of zero impact with respect to the number of new casinos coming into North Las Vegas. They were moving the casino from one location to another. He proposed the following condition: "The applicant will execute and record a deed restriction on APN 123-30-501-008, restricting any future use of the property for non-restricted gaming uses. The deed restriction shall only be recorded if a Gaming Enterprise District designation is approved for Parcel 4.09A on the east parcel of Park Highlands Land Use Plan and after all administrative and judicial appeals are exhausted. The form of deed restriction documents shall be reviewed and approved by the City Attorney's Office." He pointed out Park Highlands and Boyd Gaming had done as much outreach as possible. They held a neighborhood meeting a few months ago to introduce themselves to the neighbors in the general vicinity to explain what was being proposed. After having discussions with people who attended the meeting, he felt they were comfortable with what was being proposed. He asked for the Commission's approval.*

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

*Chairman Brown closed the Public Hearing.*

*Mr. Gronauer stated they had agreed with Nellis Air Force Base that they would sign a navigation agreement and would be working with Nellis between now and when the application was heard by City Council. Also, for the record, he asked those who appeared*

*in support of the application to stand up. There were 23 people in attendance who were in support of the application.*

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

Chairman Brown closed the Public Hearing.

Commissioner Dilip Trivedi asked the applicant what was planned for the southern strip, which was 2.8 acres. Mr. Gronauer responded it would be commercial uses. Commissioner Trivedi also asked what green measures were being used for the project. Mr. Comers responded most measures incorporated today were related to energy use and efficiency and they were incorporating everything possible. They incorporated many green measures into their properties in terms of water use and energy.

Commissioner Angelo Carvalho thanked Boyd Gaming and the Olympia Group for bringing their establishment to North Las Vegas.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF CONDITION NO. 16 TO READ:

16. THE APPLICANT WILL EXECUTE AND RECORD A DEED RESTRICTION ON APN 123-30-501-008 RESTRICTING ANY FUTURE USE OF THE PROPERTY FOR NON-RESTRICTED GAMING USES. THE DEED RESTRICTION SHALL ONLY BE RECORDED IF A GAMING ENTERPRISE DISTRICT DESIGNATION IS APPROVED FOR PARCEL 4.09A ON THE EAST PARCEL OF THE PARK HIGHLANDS LAND USE PLAN AND AFTER ALL ADMINISTRATIVE AND JUDICIAL APPEALS ARE EXHAUSTED. THE FORM OF THE DEED RESTRICTION DOCUMENT SHALL BE REVIEWED AND APPROVED BY THE CITY ATTORNEY'S OFFICE.

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

**The Public Forum was heard next.**

21. **ZN-14-08 (35210) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING, LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS, LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY, PSP/MPC, PUBLIC/SEMI-PUBLIC/MASTER PLANNED COMMUNITY AND MUZ/MPC, PARK HIGHLANDS MIXED USE CENTER/MASTER PLANNED COMMUNITY TO C-2/MPC, GENERAL COMMERCIAL DISTRICT/MASTER PLANNED COMMUNITY. THE PROPERTY IS GENERALLY LOCATED WEST OF LOSEE ROAD AND APPROXIMATELY 1850 FEET NORTH OF THE 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002. (CONTINUED MAY 28, 2008)**

Item Nos. 21 through 25 were presented and heard together.

The application was presented by Jeremy Davis, Urban Designer who explained all rezoning requests were consistent with the recently approved amendment to the Development Agreement between Park Highlands and the City of North Las Vegas; therefore, Staff was recommending approval of ZN-14-08, ZN-15-08, ZN-16-08, ZN-17-08 and ZN-18-08.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

22. **ZN-15-08 (35216) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM MUZ/MPC, PARK HIGHLANDS MIXED USE CENTER/MASTER PLANNED COMMUNITY AND RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY TO PSP/MPC, PUBLIC/SEM- PUBLIC/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY AND WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002. (CONTINUED MAY 28, 2008)**

Item Nos. 21 through 25 were presented and heard together.

The application was presented by Jeremy Davis, Urban Designer who explained all rezoning requests were consistent with the recently approved amendment to the Development Agreement between Park Highlands and the City of North Las Vegas; therefore, Staff was recommending approval of ZN-14-08, ZN-15-08, ZN-16-08, ZN-17-08 and ZN-18-08.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

23. **ZN-16-08 (35215) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM MUZ/MPC, PARK HIGHLANDS MIXED USE CENTER/MASTER PLANNED COMMUNITY TO PSP/MPC, PUBLIC/SEMI-PUBLIC/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY BETWEEN NORTH 5<sup>TH</sup> STREET AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002. (CONTINUED MAY 28, 2008)**

Item Nos. 21 through 25 were presented and heard together.

The application was presented by Jeremy Davis, Urban Designer who explained all rezoning requests were consistent with the recently approved amendment to the Development Agreement between Park Highlands and the City of North Las Vegas; therefore, Staff was recommending approval of ZN-14-08, ZN-15-08, ZN-16-08, ZN-17-08 and ZN-18-08.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

24. **ZN-17-08 (35219) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM RZ6/MPC, RESIDENTIAL ZONE UP TO 6 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY TO RZ10/MPC, RESIDENTIAL ZONE UP TO 10 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY BETWEEN NORTH 5<sup>TH</sup> STREET AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-14-000-002. (CONTINUED MAY 28, 2008)**

Item Nos. 21 through 25 were presented and heard together.

The application was presented by Jeremy Davis, Urban Designer who explained all rezoning requests were consistent with the recently approved amendment to the Development Agreement between Park Highlands and the City of North Las Vegas; therefore, Staff was recommending approval of ZN-14-08, ZN-15-08, ZN-16-08, ZN-17-08 and ZN-18-08.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

25. **ZN-18-08 (35243) PARK HIGHLANDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BCO GAMING LLC ON BEHALF OF NOVEMBER 2005 LAND INVESTORS LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM RZ13/MPC, RESIDENTIAL ZONE UP TO 13 DWELLING UNITS PER ACRE/MASTER PLANNED COMMUNITY TO C-2/MPC, GENERAL COMMERCIAL/MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED NORTH OF THE 215 BELTWAY AND APPROXIMATELY 950 FEET WEST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-23-501-005. (CONTINUED MAY 28, 2008)**

Item Nos. 21 through 25 were presented and heard together.

The application was presented by Jeremy Davis, Urban Designer who explained all rezoning requests were consistent with the recently approved amendment to the Development Agreement between Park Highlands and the City of North Las Vegas; therefore, Staff was recommending approval of ZN-14-08, ZN-15-08, ZN-16-08, ZN-17-08 and ZN-18-08.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Aston

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

**26. FDP-04-08 (35258) CRAIG & ALLEN. AN APPLICATION SUBMITTED BY TRAMMELL CROW ON BEHALF OF CRAIG ALLEN DEVELOPMENT LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN AN MUD/MX2, MIXED USE DEVELOPMENT/COMMUNITY MIXED USE CENTER DISTRICT CONSISTING OF 312 MULTI-FAMILY UNITS AND APPROXIMATELY 50,687 SQUARE FEET OF COMMERCIAL/RETAIL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-06-701-012 AND 139-06-701-013. (CONTINUED MAY 28, 2008)**

The application was presented by Jeremy Davis, Urban Designer who explained Staff had some concerns with the project. The project was presented as a condominium development and until, today, Staff had not received a tentative map for condominiums for the site. The tentative map has now been received, but would not be until the July 23, 2008 Planning Commission meeting. Staff also had concerns that the development was presented as a mixed use development and only the residential portion has been seen and there were concerns the commercial may not be developed until some time in the distant future or may be changed. Also, Staff had not seen a landscaping plan for the entire site. Staff was recommending FDP-04-08 be continued so it could be heard at the same time as the tentative map. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances;
2. That the development of this site be in compliance with all conditions of approval for ZN-54-06;
3. A tentative map shall be submitted for review and approval for the 312 condominium units prior to issuance of a building permit.
4. All perimeter landscaping along Craig Road, Allen Lane, and all rights-of-way of the MUD site shall be approved and installed before certificate of occupancy of any building within the site.
5. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
6. The following minimum amenities shall be required as part of the usable open space:
  - a. Circuitous lighted paths and fitness course
  - b. A minimum of 20 24-inch box trees per acre

- c. At least two differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
- d. A water splash pad/playground
- e. At least two pool areas and one spool area with a minimum of 1,400 square feet total, accompanied by cabanas, restrooms, decking, barbecue areas, shade structure(s) and drinking fountain(s)
- f. Shaded picnic areas, including picnic table(s), barbecue grill(s), and trash receptacle(s)
- g. At least one large open space area for group/organized play w/ drinking fountain
- h. One large lighted group shade area/gazebo (30' diameter)
- i. Benches spaced along pathways
- j. Bicycle racks at 2-3 different locations
- k. Dog stations
- l. All open space areas and amenities shall be ADA accessible and developed in compliance with the CNLV 2004 Park Design Standards; and
- m. Details of amenities to be provided

**Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating they submitted the tentative map, which was one of the, if approved, conditions. They were also agreeable to all conditions recommended by Staff if the application was approved. Mr. Celeste explained approximately one year ago, the applicant was informed by the City that SID No. 67 would begin construction in June, 2007, which was deferred until January, 2008 and then deferred to another time. As a result of the deferrals, it has cost the applicant the opportunity to attract commercial tenants. A license agreement was negotiated with the City Attorney's Office in April, 2008 to purchase all of the CAD files to actually develop the intersection per SID No. 67 and Trammell Crow was taking on all of the responsibilities to develop the intersection. Since that time, the markets have shifted and commercial tenants were no longer viable and commercial buildings were sitting vacant. They submitted a commercial subdivision map and would like to be able to move forward with the application and asked for the Commission's approval.

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

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Shull**

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

**NAYS: Commissioner Cato**

**ABSTAIN: None**

**ABSENT: Commissioner Aston**

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

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

Commissioner Leavitt expressed his appreciation on being reappointed and welcomed Amanda Llewelyn, reporter from the View, who would be attending the meetings.

**ADJOURNMENT**

ACTION: THE MEETING ADJOURNED AT 8:55 P.M.

APPROVED: July 9, 2008

/s/ Steve Brown  
Steve Brown, Chairman

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