

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

November 24, 2009

**BRIEFING:** 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

**CALL TO ORDER:** 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

**WELCOME:** Chairman Dean Leavitt

**ROLL CALL:** Chairman Dean Leavitt - Present  
Vice-Chairman Steve Brown - Present  
Commissioner Jay Aston - Present  
Commissioner Jo Cato - Present  
Commissioner Dilip Trivedi - Present  
Commissioner Laura Perkins - Present  
Commissioner Joseph DePhillips - Present

**STAFF PRESENT:** Frank Fiori, P & Z Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Sandra Morgan, Deputy City Attorney  
Vidya Medisetty, Public Works  
Mike Steele, Fire Department  
Robert Kimble, Utilities

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Jo Ann Lawrence, Recording Secretary

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

**PLEDGE OF ALLEGIANCE:** Commissioner Dilip Trivedi

**PUBLIC FORUM**

There was no public participation.

**Item No 6 was heard next.**

**MINUTES**

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 14, 2009.**

ACTION: APPROVED

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

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 28, 2009.**

ACTION: APPROVED

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

**Item No. 2 was heard next.**

**NEW BUSINESS**

1. **UN-61-09 (39935) CONTRERAS GARAGE CONVERSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CECILIA CONTRERAS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A GARAGE CONVERSION. THE PROPERTY IS LOCATED AT 912 STANLEY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-23-410-133.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant submitted evidence that showed three other garages were legally converted to living space within 300 feet of the site. The applicant was proposing to convert the garage, which was approximately 280 square feet, into living space. The house was built in 1953 and was approximately 1424 square feet. In reviewing the application, the only issue Staff had was that the existing driveway was only 16 ½ feet in width and the Zoning Ordinance required a minimum driveway width of 18 feet to provide two off-street parking spaces, which Staff believed to be a minor issue that could be corrected when the building permit was pulled. Staff was recommending approval of UN-61-09 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Single-Family Design Guidelines.
2. A parking area sufficient for two vehicle off-street parking spaces with the minimum dimensions of 18 feet in width by 20 feet in length shall be provided.

**Cecilia Contreras, 912 Stanley Avenue, North Las Vegas, NV 89030** and interpreter, **Alma Gonzales, 6575 West Tropicana Avenue, Las Vegas, NV** appeared on the application. Ms. Gonzales indicated the applicant concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

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

**MOTION: Commissioner Aston**

**SECOND: Commissioner DePhillips**

**AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips**

**NAYS: None**

**ABSTAIN: None**

**Minutes were heard next.**

2. **UN-64-09 (39995) D + T CUSTOM AUDIO ACCESSORIES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MICHAEL DIGGS ON BEHALF OF SOUTH TECH BROOKS 2750K, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2750 WEST BROOKS AVENUE, SUITE 113. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-011.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated the shop would develop and sell renewable energy products for auto repair services, modification (body work) of existing automobiles and installation of electronic entertainment systems in both conventional and hybrid propulsion to existing vehicles. The site complies with the parking requirements. Staff was recommending approval of UN-64-09 with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. All work shall be performed within a building.
3. All equipment and materials shall be stored and/or used inside a building at all times.
4. All vehicles awaiting repairs shall be stored inside the building or if outside, screened from view with a decorative masonry wall.
5. This special use permit is site specific and non-transferable.
6. A minimum of four (4) customer parking spaces shall be provided for this establishment.

**Jeff Wilson, 1345 Silver Sierra, Las Vegas, NV 89128** appeared on behalf of the applicant explaining the proposed use was for an automobile repair shop that was positioned to take advantage of stimulus money and would be working on solar renewable energy. He questioned the requirement to fire rate existing demising walls.

It was indicated by Staff that was not a condition of approval.

Mr. Wilson indicated he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

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

**MOTION:** Commissioner Perkins

**SECOND:** Commissioner Trivedi

**AYES:** Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston,  
Commissioner Cato, Trivedi, Perkins, and DePhillips

**NAYS:** None

**ABSTAIN:** None

3. **UN-62-09 (39978) SUN COMMERCIAL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DOUGLAS L. STOTT AND DIANA HITCH ON BEHALF OF LEIBSOHN FAMILY TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 3433 LOSEE ROAD, SUITE 5. THE ASSESSOR'S PARCEL NUMBER IS 139-11-701-006.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing repairs to repair motorcycles, ATV's, off-road vehicles and scooters. The property was zoned M-2 and the applicant complied with parking requirements. Staff was recommending approval of UN-62-09 with the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That UN-62-09 shall be site-specific and nontransferable.
3. To minimize the possibility of theft or vandalism to customer's vehicles and/or property, the applicant shall ensure that all vehicles and/or property that need to remain on the property overnight be stored indoors in a secured area.

**Douglas Stott, 6336 Lawton Avenue, Las Vegas, NV 89107** appeared on the application indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

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

**MOTION: Commissioner Aston**

**SECOND: Commissioner Brown**

**AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips**

**NAYS: None**

**ABSTAIN: None**

4. **UN-63-09 (39981) ROSATI'S PIZZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM PINK AND KENNETH COBBETT ON BEHALF OF ANN LOSEE PAD, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (BEER-WINE-SPIRIT-BASED PRODUCTS). THE PROPERTY IS LOCATED AT 5725 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-816-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant submitted necessary evidence demonstrating compliance with the 400 foot separation requirement from schools, day care facilities, parks, and churches. Staff was recommending approval of UN-63-09 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This special use permit is site-specific and nontransferable.

**Kenneth Corbett, 7908 Broadwing, North Las Vegas, NV** appeared on the application indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Trivedi

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

**5. VAC-08-09 (39972) ALCO LANDSCAPE FACILITY EXPANSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FERNANDO AND PATRICIA ARRIAGA, PROPERTY OWNERS, TO VACATE 171 FEET OF WATER AVENUE, COMMENCING 170 FEET WEST OF STOCKER STREET AND PROCEEDING WEST TO THE UPRR RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-22-811-005.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to put in a modified cul-de-sac turnaround to allow public access to be able to maneuver on Water Avenue. Staff had no objection to the proposed vacation and was recommending approval of VAC-08-09. The City of Las Vegas submitted a memorandum requesting the addition of a condition, which would be Condition No. 14, to read: "Concurrent with the recordation of the Order of Vacation, retain a minimum 20-foot public sewer easement in favor of the City of Las Vegas centered on the existing City of Las Vegas public sewer main. Alternatively, provide a sewer relocation/abandonment plan acceptable to the Collection System Planning Section of the City of Las Vegas Department of the Public Works prior to the recordation of the Order of Vacation. If the easement alternative is requested, then no permanent structures or vegetation taller than three feet in height shall be allowed within the easement area. Additionally, maintain an all-weather drivable access over the entire width of the easement." Mr. Eastman also read amended Condition Nos. 9, 10 and 11 into the record as follows: Condition No. 9. "The vacation shall record concurrently with the public utility easements identified in Condition Nos. 5 and 8." Condition No. 10. "The Developer shall not place any structure within thirty feet (30') of an existing water main unless otherwise approved by the Director of Utilities." Condition No. 11 "No fence, gate, block wall, or other barrier shall be placed within the 30' public utility easement centered over the water main without written approval from the Utilities Department." The original recommended conditions are as follows:

1. Water Street must terminate in CNLV standard mini cul-de-sac and must include curb, gutter and sidewalk.
2. Dedication of the right-of-way required to complete the CNLV mini cul-de-sac must record prior to or concurrent with VAC-08-09.
3. The Order of Vacation shall not record prior to design and bonding of civil offsite improvement plans.
4. The Order of Vacation must record within 1 year of approval date or this application shall become null and void.
5. A Public Utility Easement shall be reserved over the entire area to be vacated.

6. An Ingress/Egress Easement for the Union Pacific Railroad shall be reserved over the entire area to be vacated.
7. No permanent structures are allowed to be constructed within the area to be vacated.
8. The proposed section of Water Avenue to be vacated has an existing 12" ACP water main. The developer must coordinate with the Utilities Department and the Fire Department regarding access to existing facilities in the area. The area proposed to be vacated shall be reserved as a minimum 30-foot wide public utility easement centered over the water main. The language defining the public utility easement must be acceptable to the Director of Utilities.
9. The vacation shall record concurrent with the public utility easement identified in condition one.
10. The developer shall not place any structure within thirty feet (30') of an existing water or sewer main unless otherwise approved by the Director of Utilities.
11. No fence, gate, block wall, or other barrier shall be placed within the public utility easement without written approval from the Utilities Department.
12. An ingress/egress easement for emergency access shall be provided to the satisfaction of the Fire Department. The easement shall be recorded concurrently with the vacation.
13. Gates restricting traffic across required access lanes shall be in accordance with Fire Code requirements.

**Chris Thompson, RCI Engineering, 3281 South Highland Drive, Las Vegas, NV 89109** appeared on behalf of the applicant explaining he had met with Staff from the Planning, Engineering, Utilities and Fire Departments and was requesting the vacation in order to provide for secured access to the property and eliminate the transient pedestrian traffic between the railroad right-of-way. He indicated they concurred with Staff recommended conditions and amendments read into the record.

Chairman Dean Leavitt opened the Public Hearing. The following participant came forward:

- **Kory Rieger, 5462 Fawn Chase Way, Las Vegas, NV 89135** stated his family owned the property to the west on the west side of the railroad tracks and the only future access to the property was through Water Avenue and were opposed to the vacation request.

Chairman Leavitt questioned Mr. Rieger on how the property was currently accessed.

Mr. Rieger stated the property was currently accessed through the property next to theirs and indicated the property was semi-landlocked and that their access was over the railroad tracks.

Chairman Leavitt asked if Union Pacific Railroad (UPRR) had provided access over the tracks.

Mr. Rieger responded there was never an immediate need for the access, but in the future, if they wanted to develop the property, it may be necessary to put access to the property over the railroad tracks.

Commissioner Jay Aston indicated Staff pointed out there was an easement on the property to the south of Mr. Rieger's property that allowed for access to the Rieger property and it also did not appear UPRR would allow access over the railroad tracks. One of the concerns in the letter from Ronald Rieger, was for the view, and it was his understanding from Staff, that there would never be any buildings in the vacated area, because there were utilities in that area.

Mr. Rieger responded he did not know of an easement that gave access on the railroad property.

Mr. Eastman explained the information he had was that access to the Rieger's parcel was through the parcel to the south and he understood, and had visited the site, there was not access across the railroad tracks granted from UPRR and without some serious engineering work, the grade differential would need to be compensated if access were ever to be granted.

Commissioner Aston explained to Mr. Rieger, Staff was saying it would be very difficult to get access to the property from Water Avenue, but there was currently easement rights to come through the property to the south. He also explained there would be no buildings on the area vacated due to sewer and water easements being located in that area, so the view would not be blocked.

Mr. Rieger explained when the property was acquired in the 1970's, an arrangement was made with UPRR to get a crossing to their property.

Commissioner Aston asked if there was documentation to that fact.

Mr. Rieger was sure there was documentation, but did not have it at the meeting.

Deputy City Attorney Sandra Douglass-Morgan clarified, Staff stated Mr. Rieger had access from the southern parcel but did not know whether or not there was an actual easement in place.

Commissioner Aston asked what would happen if the property to the south were to have a new owner and they denied the Riegers access to their property.

Deputy City Attorney Douglass-Morgan did not know if it could be determined at this point from the Assessor's web-site that there was an easement recorded.

Commissioner Aston felt the easement should be looked into before a decision could be made on the vacation.

Commissioner Dilip Trivedi asked legal counsel if there was such a thing as access through eminent domain, since the property was purchased almost 40 years ago.

Deputy City Attorney Douglass-Morgan responded she was not comfortable giving that legal advice; but, a title search could be done on the parcel. She was not comfortable saying what rights the Riegers had without having a title search done on the property.

Commissioner Trivedi suggested the application be continued until the property access issue was clarified. He also stated if the grade difference at the railroad tracks was four feet, it seemed highly unlikely that access could be provided across the tracks.

Mr. Rieger stated they knew they would have to raise the grade to put a crossing across the tracks to their property.

Commissioner Aston asked when the application would be heard by City Council.

Marc Jordan, Planning Manager responded the date was not set until a decision was made by the Planning Commission.

Chairman Leavitt asked if the proposed vacation was approved the waiver request would not be necessary.

Mr. Jordan explained if the vacation was approved and moved forward to City Council, the waiver request of Title 16 would most likely be withdrawn. The waiver request has been continued pending the outcome of the vacation application.

Mr. Thompson stated it appeared there might have been some type of prescriptive easement. They had done some preliminary research and short of pulling a full title search, there was nothing obvious and apparent on the Assessor's web-site for recorded

documents. He stated the one issue with the Rieger site and the access through and across the UPRR right-of-way, was a fee simple parcel owned by UPRR and from his experience, at grade crossings from UPRR are almost impossible to get. You have to give them two to get one back and understood Mr. Rieger looked at this as something that added value to his property but was not sure there was the legal nexus to warrant Water Avenue being the service to his parcel. He wanted to keep the current time line for the vacation to be heard by City Council.

Deputy City Attorney Douglass-Morgan asked Mr. Thompson if he wanted Staff to determine whether or not there was an easement with the parcel to the south of Mr. Rieger's property and asked if that was only contingent on whether or not he could actually obtain access through UPRR to access the property from Water Avenue. If so, the City's step may be the second step.

Commissioner Aston questioned if a current access was really being taken away with the approval of the vacation and, by all appearances, there was no current access across UPRR property.

Deputy City Attorney Douglass-Morgan stated Mr. Rieger mentioned there was some documentation from UPRR and suggested the application be continued to allow Mr. Rieger to produce documentation that UPRR had granted access across UPRR property.

Mr. Rieger stated he would try to locate the documentation and submit to Staff before December 9, 2009.

Mr. Thompson agreed to a continuance to the December 9, 2009 Planning Commission meeting.

ACTION: CONTINUED TO DECEMBER 9, 2009

MOTION: Commissioner Aston

SECOND: Commissioner Trivedi

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

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

**OLD BUSINESS**

6. **AMP-01-09 (39599) COMMERCE SENIOR APARTMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF COMMERCE 770 LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY MEDIUM (UP TO 13 DU/AC) TO MULTI-FAMILY (UP TO 25 DU/AC). THE PROPERTY IS LOCATED WEST OF COMMERCE STREET AND APPROXIMATELY 300 FEET NORTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-011. (CONTINUED SEPTEMBER 23, 2009)**

It was requested by the applicant to continue AMP-01-09 indefinitely.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Trivedi

SECOND: Commissioner Aston

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

**Item No. 7 was heard next.**

7. **ZN-04-09 (39598) COMMERCE SENIOR APARTMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF COMMERCE 770 LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED WEST OF COMMERCE STREET AND APPROXIMATELY 300 FEET NORTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-011. (CONTINUED SEPTEMBER 23, 2009)**

It was requested by the applicant to continue ZN-04-09 indefinitely.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Trivedi

SECOND: Commissioner Aston

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

**Item No 8 was heard next.**

8. **SPR-14-09 (39597) COMMERCE SENIOR APARTMENTS. AN APPLICATION SUBMITTED BY GREAT AMERICAN CAPITAL ON BEHALF OF COMMERCE 770 LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT (PROPOSED R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) CONSISTING OF 150 MULTI-FAMILY UNITS FOR SENIORS. THE PROPERTY IS LOCATED WEST OF COMMERCE STREET AND APPROXIMATELY 300 FEET NORTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-401-011. (CONTINUED SEPTEMBER 23, 2009)**

It was requested by the applicant to continue SPR-14-09 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Perkins

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

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

9. **T-1335 (39314) DECATUR DESERT PLAZA. AN APPLICATION SUBMITTED BY DECATUR DESERT PLAZA, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-401-003. (CONTINUED AUGUST 12, SEPTEMBER 9 AND 23, AND OCTOBER 14, 2009)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant had met with Public Works and now were in agreement with the conditions; therefore, Staff was recommending approval of T-1335 subject to conditions listed in revised memorandum dated November 24, 2009 as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. All known geologic hazards shall be shown on the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
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. City of Las Vegas concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. No left turns shall be allowed out of the southerly driveway onto Decatur Boulevard.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. A minimum of five stacking spaces shall be provided behind the atm at the bank and the order boards of the fast-food restaurants.

9. If not already existing, the civil improvement plans for the project shall include schedule 40 PCV fiber optic conduit along:
  - a. Decatur Boulevard
  - b. Lone Mountain Road
10. Right-of-way dedication of a flared intersection, including a right turn lane, is required at Lone Mountain Road and Decatur Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1. Based upon the findings of the traffic study, construction of the improvements may be required.
11. Right-of-Way dedication and construction of a CAT bus turn-out is required on Decatur Boulevard near Lone Mountain Road. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the property per *Uniform Standard Drawings for Public Works Construction Off-Site Improvements* Drawing Number 234.3.
12. The developer shall construct a raised median along the Decatur Boulevard frontage with openings allowed at the main entrance (Villa Madre Way) and at the two existing driveways on the west side of Decatur Boulevard. The other two driveways on Decatur Boulevard (north and south of Villa Madre Way) may be right-in and right-out only.
13. The residential subdivision north of this proposed commercial development does have homes fronting La Madre Way. Consequently, no driveways will be permitted along La Madre Way as direct access to La Madre Way is prohibited.
14. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.
15. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. The developer shall provide a copy of the Covenants, Conditions and Restrictions (CC & R's) to the Department of Public Works upon submittal of the civil improvement plans for initial review. The CC & R's shall address cross access/reciprocal parking for the development.

18. 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.
19. A revocable encroachment permit for landscaping within the public right of way is required.

**Mark Sturdivant, 3277 East Warm Springs, Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS LISTED  
IN REVISED MEMORANDUM DATED NOVEMBER 24, 2009

MOTION: Commissioner Trivedi

SECOND: Commissioner Perkins

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston,  
Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

**Public Forum was heard next.**

10. **AMP-08-08 (35792) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO INCREASE SEVERENCE LANE BETWEEN LOSEE ROAD AND STATZ STREET FROM A 60-FOOT RIGHT-OF-WAY TO AN 80-FOOT RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11 AND JUNE 24, 2009)**

Item Nos. 10 through 15 were heard together.

It was requested by the applicant to continue AMP-08-08 to January 13, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

Chairman Leavitt requested the applicant show just cause for the continuance request.

**Bill Curran of Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Suite 1750, Las Vegas, NV 89106** appeared on behalf of the applicant explaining the continuance request was due to the present economy forcing the applicant to re-evaluate the costs of construction and also due to the bankruptcy proceedings involved with Stations Casinos and its prospective restructuring. It was believed that would be completed by January and they would be in more sound financial position and have a more realistic assessment of where they were with the project. Also, the City commissioned an economic impact study as to what the prospective effect of new casinos would be for the City and they were waiting to get some indication of the City's reaction to the impact study.

ACTION: CONTINUED TO JANUARY 13, 2010

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

11. **VAC-07-08 (35796) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, TO VACATE ELKHORN ROAD BETWEEN LOSEE ROAD AND STATZ STREET; AND TO VACATE BERG STREET BETWEEN SEVERENCE LANE AND ELKHORN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11 AND JUNE 24, 2009)**

Item Nos. 10 through 15 were heard together.

It was requested by the applicant to continue VAC-07-08 to January 13, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

Chairman Leavitt requested the applicant show just cause for the continuance request.

**Bill Curran of Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Suite 1750, Las Vegas, NV 89106** appeared on behalf of the applicant explaining the continuance request was due to the present economy forcing the applicant to re-evaluate the costs of construction and also due to the bankruptcy proceedings involved with Stations Casinos and its prospective restructuring. It was believed that would be completed by January and they would be in more sound financial position and have a more realistic assessment of where they were with the project. Also, the City commissioned an economic impact study as to what the prospective effect of new casinos would be for the City and they were waiting to get some indication of the City's reaction to the impact study.

ACTION: CONTINUED TO JANUARY 13, 2010

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

12. **AMP-07-08 (35791) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED-USE NEIGHBORHOOD TO RESORT COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11 AND JUNE 24, 2009)**

Item Nos. 10 through 15 were heard together.

It was requested by the applicant to continue AMP-07-08 to January 13, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

Chairman Leavitt requested the applicant show just cause for the continuance request.

**Bill Curran of Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Suite 1750, Las Vegas, NV 89106** appeared on behalf of the applicant explaining the continuance request was due to the present economy forcing the applicant to re-evaluate the costs of construction and also due to the bankruptcy proceedings involved with Stations Casinos and its prospective restructuring. It was believed that would be completed by January and they would be in more sound financial position and have a more realistic assessment of where they were with the project. Also, the City commissioned an economic impact study as to what the prospective effect of new casinos would be for the City and they were waiting to get some indication of the City's reaction to the impact study.

ACTION: CONTINUED TO JANUARY 13, 2010

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

13. **ZN-20-08 (35795) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A CASINO/HOTEL. THIS PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11 AND JUNE 24, 2009)**

Item Nos. 10 through 15 were heard together.

It was requested by the applicant to continue ZN-20-08 to January 13, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

Chairman Leavitt requested the applicant show just cause for the continuance request.

**Bill Curran of Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Suite 1750, Las Vegas, NV 89106** appeared on behalf of the applicant explaining the continuance request was due to the present economy forcing the applicant to re-evaluate the costs of construction and also due to the bankruptcy proceedings involved with Stations Casinos and its prospective restructuring. It was believed that would be completed by January and they would be in more sound financial position and have a more realistic assessment of where they were with the project. Also, the City commissioned an economic impact study as to what the prospective effect of new casinos would be for the City and they were waiting to get some indication of the City's reaction to the impact study.

ACTION: CONTINUED TO JANUARY 13, 2010

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

14. **GED-03-08 (35793) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11 AND JUNE 24, 2009)**

Item Nos. 10 through 15 were heard together.

It was requested by the applicant to continue GED-03-08 to January 13, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

Chairman Leavitt requested the applicant show just cause for the continuance request.

**Bill Curran of Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Suite 1750, Las Vegas, NV 89106** appeared on behalf of the applicant explaining the continuance request was due to the present economy forcing the applicant to re-evaluate the costs of construction and also due to the bankruptcy proceedings involved with Stations Casinos and its prospective restructuring. It was believed that would be completed by January and they would be in more sound financial position and have a more realistic assessment of where they were with the project. Also, the City commissioned an economic impact study as to what the prospective effect of new casinos would be for the City and they were waiting to get some indication of the City's reaction to the impact study.

ACTION: CONTINUED TO JANUARY 13, 2010

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

15. **UN-64-08 (35794) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11 AND JUNE 24, 2009)**

Item Nos. 10 through 15 were heard together.

It was requested by the applicant to continue UN-64-08 to January 13, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt explained the Public Hearing would remain open.

Chairman Leavitt requested the applicant show just cause for the continuance request.

**Bill Curran of Ballard Spahr Andrews & Ingersoll, 100 City Parkway, Suite 1750, Las Vegas, NV 89106** appeared on behalf of the applicant explaining the continuance request was due to the present economy forcing the applicant to re-evaluate the costs of construction and also due to the bankruptcy proceedings involved with Stations Casinos and its prospective restructuring. It was believed that would be completed by January and they would be in more sound financial position and have a more realistic assessment of where they were with the project. Also, the City commissioned an economic impact study as to what the prospective effect of new casinos would be for the City and they were waiting to get some indication of the City's reaction to the impact study.

ACTION: CONTINUED TO JANUARY 13, 2010

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Commissioner Cato, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: None

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

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 6:49 p.m.

APPROVED: January 13, 2010

/s/ Dean Leavitt  
Dean Leavitt, Chairman

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