

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman
Marilyn Kirkpatrick
Dean Leavitt
Laura E. Perkins

2200 Civic Center Drive
North Las Vegas, NV 89030
(702) 633-1516
(702) 649-6091

Tom Langford, Vice Chairman
Anita Wood
Harry Shull

September 27, 2000

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall
2200 Civic Center Drive, at 7:00 p.m.

ROLL CALL:

Dean Leavitt - Present
Harry Shull - Present
Marilyn Kirkpatrick - Present
Laura Perkins - Present
Tom Langford - Present
Nelson Stone - Present
Anita Wood - Present

STAFF PRESENT:

Tom Bell, Development Services Director
Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Mary Aldava, Associate Planner
Steve Casmus, Public Works
Charity Fechter, Transportation Services
Jim Stubler, Fire Department
Jim Lewis, Deputy City Attorney
Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE:

Commissioner Marilyn Kirkpatrick

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

Recording Secretary Karant verified that the Open Meeting Law requirements (NRS 241) had been met.

The North Las Vegas Conference Room and Council Chambers are accessible to handicapped persons. A certified sign language interpreter is available upon advance request.

MINUTES

Approval of the MINUTES for the Planning Commission meeting of September 13, 2000.

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to APPROVE the minutes of the September 13, 2000 Planning Commission Meeting.

The motion carried by UNANIMOUS vote.

CONSENT AGENDA

1) PW-119-00 (2535) ELDORADO 3 RCL No.7

Approve the amended final map to change lot lines.

2) PW-120-00 (2537) RANCHO MIRAGE UNIT II PHASE 1

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Specialty Holdings, Inc. and accept the Subdivision Bond in the amount of \$126,082.04.

34) PW-121-00 (2544) LAS VEGAS CORPORATE CENTER-KOMAT'SU BUILDING

Accept the Commercial Developments Off-Site Improvements Agreement by Prologis Trust and accept the Subdivision Bond in the amount of \$89,320.00.

35) PW-122-00 (2545) LAS VEGAS CORPORATE CENTER-PHASE 1 INFRASTRUCTURE

Accept the Commercial Developments Off-Site Improvements Agreement by Prologis Trust and accept the Subdivision Bond in the amount of \$454,222.34.

Commissioner Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to APPROVE Consent Agenda Items #1, #2, #34 and #35.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

3) VAC-03-00 (1475) BUENA VISTA APARTMENTS (Public Hearing)

An application submitted by Tetra Southwest on behalf of Creative Choice West, Ltd., property owner, for a vacation of Morton Avenue and Helen Avenue. In conjunction with this hearing, the Commission will also hear an application to re-open West Street at Cartier Avenue. The Assessor's Parcel Numbers are 139-16-410-273 through 139-16-410-287.

ANALYSIS:

The Fire Department has indicated that if the desire of the City Council is to vacate Helen Avenue and Morton Avenue, the Jersey (barricades) walls at West Street and Cartier Avenue need to be removed. This would provide the necessary, secondary access for emergency vehicles that would otherwise not be available if the proposed vacation were granted. In addition, the Fire Department has mentioned that the applicant would need to adhere to the 1997 Uniform Fire Code with amendments as adopted by Ordinance 1283 (i.e., on-site hydrant needs, access lanes, minimum turning radii, other distance restrictions, etc.)

The Planning Commission will also need to consider removing the barricades at West Street and Cartier Avenue. When the barricades were originally approved to close West Street to through traffic, a public hearing was scheduled to allow public input. Because of the public hearing for the street closure, staff expanded the required notification range for the street vacation to include the surrounding property owners that might be affected by the removal of the barricades. In addition, the public hearing notice for the proposed street vacations also included notice reopening West Street would be considered in conjunction with the vacation request.

Presently, the surrounding area is developed with multi-family dwelling units. In addition, a senior complex between Morton Avenue and Martin L. King Boulevard is under construction. Access to the senior complex is proposed next to Morton Avenue, therefore, the residents of the senior complex would require access through the proposed security gates. The developers of the senior complex would need to be in agreement with the proposed vacations. The applicant in a letter dated August 7, 2000, indicated that the senior complex is under the same ownership as the apartment complex.

Southwest gas has submitted a letter indicating a conflict with gas facilities, and that an easement would be required for the gas main. Likewise, Sprint has indicated that there are existing telephone facilities within the area proposed to be vacated.

RECOMMENDATION:

The Development Services Department recommends that VAC-03-00 be approved and forwarded to the City Council for final consideration subject to the following conditions:

1. A 24-hour access must be provided to the City for maintenance of water and sewer facilities.
2. An easement shall be provided to all utility companies, over, across, and under the above subject parcel of land, together with the reasonable rights of ingress thereto and egress therefrom.

3. The street lights within the area proposed to be vacated must be disconnected from City power and attached to a power source maintained by the property owner.
4. All maintenance related to previously owned City property (i.e., streets, lights, sidewalks, etc.) shall become the responsibility of the property owners.
5. Parallel parking shall be prohibited.
6. The Jersey wall barriers at the intersection of West Street and Cartier Avenue must be removed prior to recordation of the vacation.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is to vacate Helen Avenue and Morton Ave. Staff is recommending approval of this item with conditions.

Bobby Lewis, 309 W. Lake Mead Blvd., Henderson, NV appeared on behalf of the applicant and concurred with staff.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked the applicant about an 8-foot high wrought iron fence and how it is affecting the senior complex. She asked if the fence is going around the senior complex, as well.

The applicant replied that the fence is going around the senior complex as they are trying to create a campus-like setting around the senior housing along with existing homes in the area.

Commissioner Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE VAC-03-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

4) UN-78-00 (2406) KAVANAUGH'S PUB AND GRILL (Public Hearing)

An application submitted by Gerald Garapich, AIA, L.L.C., on behalf of Madison Graves II, property owner, for a use permit in an R-E Ranch Estates District (ROI to a C-1 Neighborhood Commercial District) to allow the "on sale" of alcoholic beverages in conjunction with a pub and grill. The property is generally located at the northeast corner of Ann Road and Ferrell Street. The Assessor's Parcel Number is 124-29-402-007.

ANALYSIS:

The subject site is currently under a resolution of intent, however, the applicant is requesting permanent zoning to the C-1 Neighborhood Commercial District which would require the applicant to comply with the commercial design standards. However, should permanent zoning not be granted at this time, the applicant would still be required to comply with the commercial design standards as it is a condition of the resolution of intent.

According to the commercial design guidelines, buildings on corner lots shall be oriented to the street corner. The site plan shows the building located away from the corner with parking between the building and street perimeter landscaping. Likewise, any area of a parking lot which abuts a public street shall be set back from the property line a minimum of 20 feet. Landscaping would be required within this 20-foot setback area. The site plan also does not indicate if landscaping would be provided next to the building where a minimum six feet of landscaping would be required.

The proposed establishment, is considered to be within the bar/tavern category according to Title 5. However, according to the floor plan, dining services would be provided and would be separate from the bar area. In addition, customers would be able to enter the dining area without the need to travel through the bar area. Restroom facilities would also be available without having to enter into the bar area. The building design is attractive and meets the normal City requirements for taverns.

RECOMMENDATION:

The Development Services Department recommends that UN-78-00 be approved subject to the following conditions:

7. Standard condition numbers 1, 2, 3, 6, 7, 8, 10, 11, 12, 15, 23, 26, 27, 29 and 32.
8. UN-78-00 shall be initiated and construction begun within six months of the date of this approval.
9. The applicant shall comply with the commercial design guidelines including but not limited to the following:
 - a. The building shall be oriented toward the street corner.
 - b. A minimum 20 feet of landscaping shall be provided next to Ann Road and Ferrell Street.
 - c. A minimum six feet of landscaping shall be provided next to the building, between any pedestrian sidewalk and parking areas.

10. A barrier shall be provided between the developed and undeveloped portion of the site to prevent vehicles from driving or parking on the undeveloped area. Such barrier shall be subject to staff review and approval.
11. Fiber optic conduit is required along the Ann Road frontage.
12. The southernmost driveway in Ferrell Street must align with the on-site drive aisle.
13. Half-street improvements on Ann Road and Ferrell Street adjacent to lot 124-29-402-007 must be constructed with this development.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for approval of a special use permit to allow the on-sale of alcoholic beverages in conjunction with a pub and grill. Staff is recommending approval with the condition that the building should be oriented towards the street corner. The site is currently under a resolution of intent for a C-1. There is also a request in for permanent zoning. If that's granted, it would require them to comply with the Commercial Design Standards. Therefore, staff is recommending approval with the following condition:

1. The building to be re-oriented at the street corner.

Gerald Garapich, 10 Commerce Center Drive, Henderson, NV 89014, architect for the project, appeared on behalf of the applicant and agreed with all of staff's recommendations, but one: he stated that one of his client's concerns is that most retailers would prefer to put a building right on the corner which gives much better exposure and signage on the building. Their major concern is safety and accessibility.

Chairman Nelson Stone opened the Public Hearing. The following participant came forward:

Russell Bruce, 3717 St. Peter Ct., North Las Vegas, NV 89031

Mr. Bruce stated that he is not fond of having a bar this close to his subdivision.

Chairman Stone closed the Public Hearing.

Commissioner Tom Langford stated that the Planning Commission rejected another bar, just a block away, four weeks ago. He also stated that he is concerned about the applicant's statement about where the restroom is located in the dining area. He asked the applicant if it is more accurate to say that people in the dining room need to go through the bar in order to get to the restroom.

Commissioner Wood stated that she is concerned about bars going into residential neighborhoods. She stated, however, that due to the exceptional nature of the project she will support it based on the conditions set forth by staff.

Commissioner Dean Leavitt stated that he would be willing to recommend approval based on the condition that the applicant contact the North Las Vegas Police Department to have a survey performed by the crime prevention department.

Commissioner Marilyn Kirkpatrick stated that she believes that safety would be better addressed if the bar is on the corner because Ann Rd. is a highly traveled road. She concurs with Commissioner Wood in favor of approval.

Commissioner Harry Shull stated that he concurs with Commissioners Wood and Kirkpatrick.

The applicant replied that he has a problem with the condition requiring the survey by the Police Department.

Chairman Stone requested Deputy City Attorney Jim Lewis to respond.

Deputy City Attorney Jim Lewis advised the applicant that he may wish to continue this matter.

The applicant requested that this item be continued for two weeks so that he could confer with the owner regarding the orientation of the building.

Marc Jordan, Senior Planner, stated that two weeks would place this item on the October 11, 2000 Planning Commission agenda.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to CONTINUE UN-78-00 for two weeks to the October 11, 2000 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

5) UN-79-00 (2410) Q.C. FINANCIAL SERVICES, INC. (Public Hearing)

An application submitted by Q.C. Financial Services, Inc. on behalf of Sam Lim, property owner, for a use permit in a C-2 General Commercial District to allow a financial institution. The property is located at 2110 E. Cheyenne Avenue. The Assessor's Parcel Number is 139-11-816-021.

ANALYSIS:

The site plan indicates that twenty-two parking spaces will be provided. Building elevations have been submitted and show the building consists of a CMU block exterior painted "desert tan". The roof is constructed of red shake roofing material.

In the attached memorandum, the Redevelopment staff has indicated that the North Redevelopment Area Plans goal is the control of unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens. The proposed use may continue to contribute to the decline of the properties in the blighted area and foster commercial and residential disinvestment. It is Redevelopment staffs determination that this financial institution is not appropriate for this location given the proximity to gaming establishments and low-income housing, therefore, Redevelopment staff is recommending denial. For further information please see the Redevelopment memorandum.

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this code for such use; and
4. That the granting of this special use permit will not adversely affect the master plan of the City.

RECOMMENDATION:

The Development Services Department recommends that UN-79-00 be denied and forwarded to the Redevelopment Agency for final consideration.

If, however, the Planning Commission were to determine that approval is warranted, then staff recommends the following conditions and that this item be forwarded to the Redevelopment Agency for final consideration.

1. Standard conditions number 10, 11 and 12.
2. That UN-79-00 be subject to annual review.
3. All signage shall be in compliance with the Redevelopment Area design standards.
4. No bands of color, or other type of color combinations shall be permitted on the building face. The color must be in compliance with the Redevelopment Area design standards.
5. All conditions shall be met and approved for compliance by the Redevelopment staff and Development Services staff prior to applying for a business license.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff, who indicated that the purpose of the application for a use permit is to allow a financial institution at 2110 E. Cheyenne Avenue. The proposed use is for consumer loans, title loans, and check cashing. She stated that the Redevelopment Staff has indicated that this use does not meet the goals of the marketing development. It is the Redevelopment Staff's determination that a financial institution is not appropriate at this location. Redevelopment Staff is recommending denial.

Paul Larsen, 300 S. 4th St. Las Vegas, NV appeared on behalf of the applicant who stated that there is some confusion on this item. He stated that this business will not be a check-cashing facility, but a loan facility. Mr. Larsen stated that this facility will provide short-term loans to approximately 60% women with families.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford asked the applicant what the interest rate will be for these short-term loans.

The applicant replied that it is approximately 20%.

Commissioner Anita Wood asked what type of loans will be provided.

Applicant replied that primarily unsecured loans will be provided, usually in amounts significantly less than one thousand dollars.

Chairman Stone stated that this is a challenged area and that he will be supporting a motion to deny.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to DENY UN-79-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

6) UN-76-00 (2399) FIRST SPANISH BAPTIST CHURCH (Public Hearing)

An application submitted by Juan M. Sclafani on behalf of mark Altschuler, property owner, for a use permit in an R-E Ranch Estates District to allow a church. The property is generally located at the northwest corner of Washburn Road and Allen Lane. The Assessor's Parcel Number is 124-31-604-011.

ANALYSIS:

According to the Commercial Design Guidelines, buildings on corner lots shall be oriented to the street corner. On March 15, 2000, the City Council approved an ordinance amendment which allows churches to maintain a minimum 20-foot setback from rights-of-way. The applicant would have sufficient room to relocate the building to the street corner and the parking toward the interior of the property. Therefore, staff recommends that the building be oriented toward the street corner.

Although the site plan shows that landscaped islands would be provided at the ends of the parking rows, it does not identify one landscaped island for every 15 parking spaces contained in a row, as required by the Commercial Design Guidelines. In addition, approximately 10 feet of landscaping is proposed next to Allen Lane and Washburn Road, where 20 feet is required. Finally, five feet of landscaping is proposed next to the northern and western property lines, where a minimum 20 feet of landscaping is required by the Commercial Design Guidelines. These revisions could be considered minor, and therefore, would not require further review by the Planning Commission. Conditions are listed below which address these concerns.

RECOMMENDATION:

The Development Services Department recommends that UN-76-00 be approved subject to the following conditions:

6. That Standard Conditions 1, 2, 3, 6, 7, 8, 10, 11, 12, 15, 23, 26, 27, 29 and 32 apply; and
7. That fiber optic conduit be required along Allen Lane and Washburn Road; and
8. That the property owner provide right-of-way for a bus turn out on Washburn west of Allen Lane; and
9. That the following areas be dedicated:

Washburn Road	40-foot wide right-of-way
Allen Lane	40-foot wide right-of-way
Washburn and Allen	25-foot spandrel; and
10. That easements for driveways and backflow preventors be provided; and

11. That the applicant comply with the Commercial Design Guidelines, including but not limited to the following:
 - a. The building(s) shall be oriented toward the street corner; and
 - b. A minimum 20 feet of landscaping shall be provided next to Washburn Road and Allen Lane; and
 - c. A minimum 20 feet of landscaping shall be provided adjacent to the northern and western property lines; and
 - d. A minimum 6-foot wide landscaping island shall be provided at the end of all parking rows and for every 15 parking spaces contained in a row; and
12. That a cornice and wainscot (Mandarin Split-face blocks) be provided to each side of the office and fellowship buildings; and
13. That a barrier be provided between the developed and undeveloped portion of the site to prevent vehicles from driving or parking on the undeveloped area. Such barrier shall be subject to staff review and approval.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for a special use permit to allow a church. Staff is recommending approval of this item subject to conditions.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

Susan Allen 3715 Fisher North Las Vegas NV

Susan Allen stated that the proposed site for the church is behind her property and she is opposed to this project. She stated that she would oppose any project for a commercial project, including a church in this area.

Keith Allen 3715 Fisher Avenue North Las Vegas, NV

Mr. Allen stated that the proposed church is right next to his property. He opposes this project as he states this is Ranch Estates Preservation Area and he has to fight this year after year.

Chairman Stone closed the Public Hearing.

Commissioner Tom Langford stated that he has a problem with this project. He stated that he cannot support this project.

Commissioner Wood stated that she is concerned about changing the zoning.

Marc Jordan stated that the request before the Planning Commission is not to change the zoning. The zoning will remain R-E, and will still remain in the Ranch Estates Preservation Area. He stated that this project requires a special use permit and is allowed, if approved.

Steve Baxter, Planning Manager, stated that schools and parks are allowed as special use permits in Ranch Estates Preservation Areas. If the Planning Commission believes that there were too many going in, the Commission has discretion with special use permits. There isn't anything in the Ranch Estates Preservation Area Resolution that would prohibit churches.

Commissioner Marilyn Kirkpatrick stated that she opposes a church at this location.

Chairman Stone stated that he supports the project.

Applicant summarized by stating that this project's use is allowed in the Ranch Estates Preservation Area. Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to APPROVE UN-76-00 per staff's recommendations.

The motion did not carry. Commissioners Marilyn Kirkpatrick, Laura Perkins, Tom Langford and Anita Wood voted against the motion.

The motion to approve FAILED.

7) UN-77-00 (2402) SHADOW CREEK LDS CHURCH (Public Hearing)

An application submitted by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, A Utah Corporation, property owner, for a use permit in an R-E Ranch Estates District to allow a church. The property is generally located at the northeast corner of Goldfield Street and Hammer Lane. The Assessor's Parcel Number is 124-34-501-009.

ANALYSIS:

According to the commercial design guidelines, buildings on corner lots must be oriented to the street corner. On March 15, 2000, the City Council approved an ordinance amendment which would allow a church to maintain a minimum 20-foot setback from rights-of-way. The applicant would have sufficient room to relocate the building to the street corner and the parking toward the interior of the property. Therefore, staff recommends that the building be oriented toward the street corner.

The site plan does not show that landscaped islands would be provided at the end of all parking rows or for every 15 parking spaces contained in a row as required by the commercial design guidelines. In addition, approximately 17 feet of landscaping is proposed next to Hammer Lane and ten feet of landscaping is proposed next to the northern property line where a minimum 20 feet of landscaping is required by the commercial design guidelines.

Building elevations of the storage building have not been submitted. Likewise, the proposed storage building does not comply with the 50-foot setback from the interior property line. In addition to complying with the setback requirements indicated in Title 17, staff recommends that the storage building be designed to match the principal building.

RECOMMENDATION:

The Development Services Department recommends that UN-77-00 be approved subject to the following conditions:

1. Standard condition numbers 6, 8, 10, 11 and 12.
2. The applicant shall comply with the commercial design guidelines including but not limited to the following:
 - a. The building shall be oriented toward the street corner.
 - b. A minimum 20 feet of landscaping shall be provided next to Goldfield Street and Hammer Lane.
 - c. A minimum 20 feet of landscaping shall be provided adjacent to the northern property line.
 - d. A minimum 6-foot wide landscaping island shall be provided at the end of all parking rows and for every 15 parking spaces contained in a row.

3. The storage building shall be relocated to comply with the setbacks as set forth in Title 17 for accessory structures.
4. The storage building shall be designed to match the principal building.
5. A barrier shall be provided between the developed and undeveloped portion of the site to prevent vehicles from driving or parking on the undeveloped area. Such barrier shall be subject to staff review and approval.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this is an application submitted for a special use permit to allow a church at the northeast corner of Goldfield Street and Hammer Lane. As the proposed church is not located at the corner, staff is recommending that the church be reoriented to the street corner. There are also some landscaping issues. In addition, the applicant is proposing a small storage building on the site which does not comply with the 50-foot required setback for churches and accessory uses. Staff is recommending that the storage building be designed to match the principal building. Staff is recommending approval of this item subject to conditions.

John Sargent, 664 Palmwood Lane, Las Vegas, appeared on behalf of the applicant, who stated that they concur with staff's recommendations except for the orientation of the building. He stated that the building is designed with two main entries on the north and south.

Chairman Nelson Store opened the Public Hearing. The following participants came forward:

Dale Stefanisko 5336 French Lavender St. North Las Vegas, NV

Mr. Stefanisko stated that his property is located diagonally across from this site and is requesting that the Planning Commission deny this special use permit. He stated that this is zoned R-1 and he is concerned about increased traffic.

Chairman Stone closed the Public Hearing.

Marc Jordan, Senior Planner, advised Chairman Stone that the Planning Department received a letter of opposition from Judith Rothstein.

Commissioner Tom Langford asked if the applicant would have a problem with meeting with the residents in the next couple of weeks.

Applicant replied that he would meet with the residents.

Commissioner Anita Wood stated that she understands the residents' concerns and that this property is zoned R-1.

Commissioner Marilyn Kirkpatrick asked the applicant if he wants the Planning Commission to approve this item by eliminating the condition for reorientation of the building closer to the corner.

The applicant replied yes to that question.

Commissioner Harry Shull stated that he has no problem with the project, however he would only support it with staff's recommendations. He doesn't feel that staff's recommendations will have major impact on the project.

Chairman Stone asked the applicant if this is, more or less, a prototype.

The applicant stated that it is. He restated that the way the building is oriented, it is intended to provide access both ways. By moving it to the corner, it limits access to one side.

Commissioner Laura Perkins MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-77-00 with the following condition #6 added to read:

“Applicant is to meet with the residents regarding this project.”

The motion carried by UNANIMOUS vote.

8) UN-69-00 (2306) GOWAN PUMPING STATION (Public Hearing)

An application submitted by the Southern Nevada Water Authority for a use permit in an R-E Ranch Estates District to allow a temporary construction staging area for material storage and construction trailers. The property is generally located west of Coleman Avenue approximately 297 feet north of Gowan Road. The Assessor's Parcel Number is 139-08-602-006.

ANALYSIS:

The proposed use requires Planning Commission review and approval. As stated in the letter of intent, "This parcel will be used as a material storage area and for construction trailers."

One of the projects this site will support is the Carlton Square Lateral, which is a major component of SNWA's Transmission System that will be used to deliver water to the northern areas of the Las Vegas Valley.

The site plan identifies a 2.29-acre area, presumably to be enclosed by chain-link fencing. The staging area and storage yard includes two existing construction trailers and a storage shed, which are setback approximately 160 feet from the existing pavement within the Coleman Street right-of-way and 10 feet from the north property line.

In accordance with Section 17.28.050.C.2(b) of the Zoning Ordinance, after the public hearing, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds from the evidence presented that all of the following facts exist:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this Code for such use; and
4. That the granting of this special use permit will not adversely affect the master plan (Comprehensive Plan) of the City.

None of the reviewing departments, divisions or agencies had adverse comments pertaining to the proposed use.

RECOMMENDATION:

The Development Services Department recommends that UN-69-00 be approved subject to the following conditions:

1. That Standard Conditions 4, 7, 10, 11 and 12 apply; and
2. That all necessary provisions be taken to mitigate dust. The site shall be watered once every two hours, or as necessary; and
3. That UN-69-00 expire on October 31, 2001.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for approval of a special use permit to use the subject site as a temporary storage and staging area. Staff is recommending approval.

Leann Miller, of the Southern Nevada Water Authority, 1900 E. Flamingo Rd. Ste. 170, Las Vegas, appeared on behalf of the applicant, and stated that she concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood indicated concern regarding the fence around this area. She stated that this is a residential area and would like to see some type of temporary screening around the fenced construction equipment for the duration of the project.

The applicant stated that they already have contracts in place and to add screening would require rewriting the contracts.

Chairman Nelson Stone stated that he did not believe that temporary screening over the fenced area would be very practical.

Commissioner Dean Leavitt asked the applicant if the contracts have already been sent out and if there is a condition in the contracts to maintain and make necessary repairs to the fence.

The applicant stated that the contracts have been sent out and there is a condition to maintain and repair the fence as necessary.

Commissioner Shull stated that he concurs with Chairman Stone that it is not practical for this screening to take place.

Commissioner Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-69-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

9) UN-74-00 (2397) CARLTON SQUARE LATERAL STAGING (Public Hearing)

An application submitted by the Southern Nevada Water Authority on behalf of the Clark County School District, property owner, for a use permit in an R-E Ranch Estates District to allow a temporary construction staging area. The property is located at the northeast corner of Valley Drive and Lone Mountain Road. The Assessor's Parcel Number is 124-31-801-001.

ANALYSIS:

The proposed use requires Planning Commission review and approval. As stated in the letter of intent, "The Carlton Square Lateral is a major component of SNWA's Transmission System that will be used to deliver water to the northern areas of the Las Vegas Valley." The SNWA further explains that this project includes the installation of an underground 42" pipeline originating at the intersection of Cole Avenue and Clayton Street and ending at Washburn Road and Valley Drive.

The site plan identifies a 2.54-acre area enclosed by chain-link fencing. The staging area and storage yard includes a storage trailer, which is setback approximately 70 feet from the existing pavement within the Valley Drive right-of-way.

In accordance with Section 17.28.050.C.2(b) of the Zoning Ordinance, after the public hearing, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds from the evidence presented that all of the following facts exist:

4. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
5. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
6. That the proposed use will comply with the regulations and conditions specified in this Code for such use; and
7. That the granting of this special use permit will not adversely affect the master plan (Comprehensive Plan) of the City.

None of the reviewing departments, divisions or agencies had adverse comments pertaining to the proposed use.

RECOMMENDATION:

The Development Services Department recommends that UN-74-00 be approved subject to the following conditions:

1. That Standard Conditions 4, 7, 10, 11 and 12 apply; and
2. That all necessary provisions be taken to mitigate dust. The site shall be watered once every two hours, or as necessary; and
3. That UN-74-00 expire on October 31, 2001.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for approval of a special use permit to use the subject site as a temporary storage and staging area. Staff is recommending approval.

Leann Miller, of the Southern Nevada Water Authority, at 1900 E. Flamingo Rd. Ste. 170, Las Vegas, appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. The following participant came forward:

Paul Miles 4309 Tiara Blanca Court, North Las Vegas, Nevada

Mr. Miles indicated that his property is within 200 feet of the site. He suggested that perhaps the site could be moved further away from the residences.

Chairman Stone closed the Public Hearing.

Commissioner Dean Leavitt asked the applicant about the contractor's work schedule.

The applicant stated that the contractor is scheduled to work from 7:00am to 3:30pm.

Commissioner Anita Wood asked the applicant about the early morning hours of construction work and how it may effect the residents.

The applicant stated that they have a public information construction line at 862-3456 for concerned residents to call regarding the project.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-74-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

10) UN-73-00 (2396) CARLTON SQUARE LATERAL STAGING (Public Hearing)

An application submitted by the Southern Nevada Water Authority on behalf of Alma Archulita Hirkala, property owner, for a use permit in an R-1 Single-Family Residential District to allow a temporary construction staging area. The property is generally located at the northeast corner of Valley Drive and Gowan Road. The Assessor's Parcel Numbers are 139-07-610-006 and 139-07-610-007.

ANALYSIS:

The proposed use requires Planning Commission review and approval. As stated in the letter of intent, "The Carlton Square Lateral is a major component of SNWA's Transmission System that will be used to deliver water to the northern areas of the Las Vegas Valley." The SNWA further explains that this project includes the installation of an underground 42" pipeline originating at the intersection of Cole Avenue and Clayton Street and ending at Washburn Road and Valley Drive.

The site plan identifies a 1.4-acre area enclosed by chain-link fencing. The staging area and storage yard includes a storage trailer, which is setback approximately 70 feet from the existing pavement within the Valley Drive right-of-way.

In accordance with Section 17.28.050.C.2(b) of the Zoning Ordinance, after the public hearing, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds from the evidence presented that all of the following facts exist:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this Code for such use; and
4. That the granting of this special use permit will not adversely affect the master plan (Comprehensive Plan) of the City.

None of the reviewing departments, divisions or agencies had adverse comments pertaining to the proposed use.

RECOMMENDATION:

The Development Services Department recommends that UN-73-00 be approved subject to the following conditions:

1. That Standard Conditions 4, 7, 10, 11 and 12 apply; and
2. That all necessary provisions be taken to mitigate dust. The site shall be watered once every two hours, or as necessary; and
3. That UN-73-00 expire on October 31, 2001.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff. Staff is recommending approval.

Leann Miller, Southern Nevada Water Authority, 1900 E. Flamingo Rd. Suite 170, Las Vegas, appeared on behalf of the applicant. She stated that she concurs with staff's recommendations.

Commissioner Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-73-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

11) UN-70-00 (2307) CARLTON SQUARE LATERAL (Public Hearing)

An application submitted by the Southern Nevada Water Authority on behalf of Rayfell and Algerine Evans, property owners, for a use permit in an R-E Ranch Estates District to allow a temporary construction staging area for material storage. The property is generally located east of Fuselier Drive approximately 300 feet north of Gowan Road. The Assessor's Parcel Number is 139-08-602-005.

ANALYSIS:

The proposed use requires Planning Commission review and approval. As stated in the letter of intent, "This parcel will be used as a material storage area for SNWA's construction projects."

One of those projects, the Carlton Square Lateral, is a major component of SNWA's Transmission System that will be used to deliver water to the northern areas of the Las Vegas Valley.

The site plan identifies a 1.1-acre area enclosed by chain-link fencing. The staging area and storage yard includes a storage trailer, which is setback approximately 60 feet from the existing pavement within the Fuselier Drive right-of-way.

In accordance with Section 17.28.050.C.2(b) of the Zoning Ordinance, after the public hearing, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds from the evidence presented that all of the following facts exist:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this Code for such use; and
4. That the granting of this special use permit will not adversely affect the master plan (Comprehensive Plan) of the City.

None of the reviewing departments, divisions or agencies had adverse comments pertaining to the proposed use.

RECOMMENDATION:

The Development Services Department recommends that UN-70-00 be approved subject to the following conditions:

1. That Standard Conditions 4, 7, 10, 11 and 12 apply; and
2. That all necessary provisions be taken to mitigate dust. The site shall be watered once every two hours, or as necessary; and
3. That UN-70-00 expire on October 31, 2001.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for a transmission system serving the northern areas of the Las Vegas Valley. He stated that staff is recommending approval.

Leann Miller, Southern Nevada Water Authority, 1900 E. Flamingo Rd. Suite 170, Las Vegas, Nevada appeared on behalf of applicant, who concurred with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE UN-70-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

12) UN-72-00 (2378) STORAGE WEST (Public Hearing)

An application submitted by LAACO, Ltd. on behalf of Tom Julian, property owner, for a use permit in an R-E Ranch Estates District (pending C-2 General Commercial Zoning) to allow a mini-storage facility. The property is generally located at the northwest corner of Craig Road and Coleman Street. The Assessor's Parcel Numbers are 139-05-601-015 and 139-05-601-019.

ANALYSIS:

The elevation drawings identify a 27-foot tall office/caretaker's building with stucco and mission tile roofing materials.

The site plan shows two curb-cuts on Craig Road. One of the curb-cuts would be a future shared access drive with the vacant site immediately east of the office/caretaker's facility. However, the site plan identifies an emergency access from that shared drive, so the driveway up to the emergency access gates would need to be constructed with this project. In the letter of intent, the applicant indicates that the proposed use would generate approximately 50 vehicle trips per day, or 4 trips per hour.

In the letter of intent, the applicant states, "It is anticipated that there will be four to six outside parking places for boat and RV storage." Although those spaces are not indicated on the plans, they could be approved with this application and subject to review and approval by the Traffic and Planning Divisions. The applicant should be aware that if carport structures are proposed, they are required to match the main building in design, color(s) and materials.

The Commercial Design Standards require 20 feet of landscaping in areas adjacent to residential uses. In this case, that requirement would apply to the northern 300 feet of the east property line. The applicant informed staff that he has met with those abutting property owners and that they would be agreeable to a 10-foot landscape buffer if the trees were planted 10 feet on-center. Within the required 20-foot landscape buffer, trees are typically planted 20 feet on-center, so this compromise effort, as part of this application, is presented to the Planning Commission for consideration.

RECOMMENDATION:

The Development Services Department recommends that UN-72-00 be approved subject to the following conditions:

1. That Standard Conditions 1, 2, 3, 4, 7, 8, 10, 11, 12, 15, 26 and 27 apply; and
2. That the owner provide fiber optic conduit along Craig Road; and
3. That an administrative consolidation of both lots into one lot be provided prior to the issuance of any construction permits; and

4. That all driveways be commercial driveways; and
5. That a shared access agreement for the east driveway on Craig Road be provided; and
6. That the shared access driveway be constructed from Craig Road to the emergency access gates, as identified on the site plan; and
7. That dedication of 30 feet of right-of-way on Craig Road and 25 ½ feet on Whitney Peak Way be provided; and
8. That ten (10) feet of landscaping be provided on-site adjacent to the northern 300 feet of the east property line. In addition to other required planting materials, 24" box trees (1-1/2" caliper measured 4'-6" above the top of the root ball) shall be planted 10 feet on-center throughout this landscaping area; and
9. That all buildings, other than the office/caretaker's residence, be constructed with split-face CMU blocks. Some form of architectural feature (eg. fluted block columns or bands, different colored split-face blocks, slump-stone pilasters, etc.) shall be incorporated into the outside-facing walls and shall be subject to review and approval by the Planning Division prior to the issuance of any building permits. Smooth-face blocks shall not be used as the primary building material; and
10. That a monument sign be incorporated into the landscaped area adjacent to the Craig Road right-of-way. The sign shall have a housing element designed to match the caretaker's residence in material, design and colors. The sign shall meet all City of North Las Vegas size and location requirements; and
11. That landscape, building and drive aisle maintenance be prohibited between the hours of 8:00 p.m. and 7:00 a.m.
12. That, unless specifically mentioned herein, this site be developed in accordance with the Commercial Development Standards and Design Guidelines.

Prior to the Planning Commission meeting of September 27, 2000 the applicant requested the item be continued indefinitely.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to CONTINUE UN-72-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

13) UN-71-00 (2391) ELK'S LODGE (B.P.O.E. NO. 2353) (Public Hearing)

An application submitted by the Benevolent Protective Order of Elk's, Lodge #2353, property owner, for a use permit in a C-2 General Commercial District to allow a recreational vehicle park. The property is located at 2939 Van Der Meer Street. The Assessor's Parcel Number is 139-13-601-001.

ANALYSIS:

The minimum size and development standards for the proposed recreational vehicle park are subject to Planning Commission review and approval.

The commercial design guidelines require a minimum 15 feet of landscaping adjacent to Van Der Meer Street, whereas Title 15 requires a minimum ten feet of landscaping adjacent to Van Der Meer Street. The applicant is proposing landscaping within the interior of the recreational vehicle park next to the block wall that would range from approximately 5 feet for the portion of the wall next to Van Der Meer Street to 10 or 15 feet for the areas of the wall adjacent to the residential or drainage channel, respectively. In an effort to develop a high quality, aesthetically pleasing recreational vehicle park from the inside as well as the outside, staff recommends that the existing slump stone block wall adjacent to Van Der Meer Street be removed and rebuilt to provide 10 feet of landscaping between the block wall and the right-of-way, and that a minimum five feet of landscaping be provided on the inside of the wall parallel to Van Der Meer Street and the portion of the wall that is between the proposed recreational vehicle park and the existing Elk's Lodge. The remaining areas next to block walls as shown on the site plan are sufficient.

The Public Works Department in the attached memorandum has indicated a concern with the existing driveway next to the existing block wall. Presently there is a sight visibility and safety concern at this location. Should the block wall be removed and ten feet of landscaping be provided, visibility at this area would improve. However, the permanent driveway locations would be subject to review and approval by the Traffic Engineer.

The Fire Department has indicated that the site plan, as presented does not comply with the 1997 Uniform Fire Code with amendments as adopted by Ordinance 1283. The applicant would need to redesign the subject site to comply with all Fire Department codes and ordinances.

The site plan shows that each recreation vehicle pad would be set back four feet from the lot line of each recreational vehicle space. Title 15 requires a minimum five-foot separation from the recreational vehicle pad and the lot line of the recreational vehicle space. This requirement would then be consistent with another Title 15 requirement which requires a minimum 10-foot separation between recreational vehicles. The primary intent of these requirements is safety. Therefore, staff recommends that each recreational vehicle pad be set back a minimum of five feet from the lot line of the recreational vehicle space.

The subject site is void of any landscaping next to Van Der Meer Street. In addition to the 10 feet of landscaping staff is recommending in front of the proposed recreational vehicle park, staff also recommends that a minimum 10 feet of landscaping be provided in front of the Elk's Lodge next to Van Der Meer Street.

The applicant is proposing to construct and laundry and restroom addition to the main Elk's Lodge. The area in which the addition would be built consists of a metal storage container. It should be noted that any addition to the building would be required to comply with the commercial design standards.

RECOMMENDATION:

The Development Services Department recommends that UN-71-00 be continued to allow the applicant time to submit a revised site plan addressing the items in the analysis section.

If however, the Planning Commission were to determine that approval is warranted at this time, then staff recommends the following as conditions of approval and that this item be forwarded to the Redevelopment Agency for final consideration.

1. Standard conditions 1, 2, 7, 8, 10, 11, 12, 15, 27 and 29.
2. The site plan as submitted shall be revised and if needed, the number of recreational vehicle spaces reduced to provide for the following:
 - a. Ten feet of perimeter landscaping between the block wall and sidewalk adjacent to Van Der Meer Street.
 - b. Five feet of landscaping next to and on the interior of the block wall parallel to Van Der Meer Street and the portion of the wall between the recreational vehicle park and the Elk's Lodge.
 - c. Each recreational vehicle pad must maintain a five-foot setback from the lot line of each recreational vehicle space, so as to maintain a ten-foot separation for each recreational vehicle.
3. Landscaping for the recreational vehicle park shall consist of the following:
 - a. Evergreen or semi-deciduous trees, planted 25 feet on center shall be provided within the 10-foot landscaping area between the block wall and the right-of-way. The required trees shall be 24 inch box (1 ½ inch caliber measured at 4 ½ feet above the root ball).
 - b. Evergreen or semi-deciduous trees, planted 20 feet on center shall be provided adjacent to the north and west property lines. The required trees shall be 24 inch box (1 ½ inch caliber measured at 4 ½ feet above the root ball).
 - c. Each recreational vehicle space shall contain one evergreen or semi-deciduous tree. The required trees shall be 24 inch box (1 ½ inch caliber measured at 4 ½ feet above the root ball).
 - d. Each recreational vehicle space shall be landscaped with plant materials to provide a minimum ground coverage of 60% at maturity (not including trees).
 - e. All other areas not devoted for driveways or recreational vehicle pads shall be landscaped with plant materials to provide a minimum ground coverage of 60% at maturity (not including trees).

4. A six foot high decorative wall consisting of split face, fluted or slump stone block is required between the right-of-way and between the recreational vehicle park and the Elk's Lodge.
5. The applicant shall provide 10 feet of landscaping next to Van Der Meer Street in front of the Elk's Lodge. Evergreen or semi-deciduous trees, planted 25 feet on center shall be provided within the 10-foot landscaping area. The required trees shall be 24 inch box (1 ½ inch caliber measured at 4 ½ feet above the root ball). In addition to the trees, a minimum ground coverage of 60% at maturity (not including trees) shall be provided within the 10-foot landscaping area.
6. The laundry and restrooms facilities shall comply with the commercial design guidelines.
7. The site is adjacent to a Clark County Regional Flood Control Facility. The Drainage Study must be approved by the Clark County Regional Flood Control District and the City of North Las Vegas.
8. Relocate the westernmost driveway away from the wall to eliminate a blind corner.
9. The applicant shall comply with all Fire Department codes and ordinances.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for approval of a special use per permit to allow a recreational vehicle park. On August 2, 2000 the North Las Vegas City Council approved an ordinance amendment which allows RV parks as an accessory use to a non-profit fraternal lodge, with the requirement of a special use permit subject to the Planning Commission's discretion. Staff is recommending a number of revisions to the site plan. Redevelopment is requiring that there be landscaping in front of the existing lots. Staff is recommending that this item be continued to allow the applicant time to submit a revised site plan addressing the items listed in the analysis section.

Kyle Casey, 4613 Gonzalez Dr., Las Vegas, appeared on behalf of the applicant and agreed to have this item held for two weeks.

Marc Jordan stated that since he hasn't seen a revised site plan, it would better if the item was continued for four weeks to the October 25, 2000 meeting in order to be able to route the site plan so that other departments would be able to review it, as well.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-71-00 to October 25, 2000 per staff's recommendations.

The motion carried by UNANIMOUS vote.

14) UN-66-00 (2409) NLV CHURCH OF CHRIST (Public Hearing)

An application submitted by the NLV Church of Christ, property owner, for a use permit in an R-1 Single-Family District to allow an expansion to an existing church and a waiver of the Commercial Design Standards' landscaping requirements. The applicant is also requesting a deferral of the perimeter block wall. The property is located at 2626 Martin Luther King Boulevard. The Assessor's Parcel Number is 139-16-701-006.

ANALYSIS:

The parcel is 260 feet in width by 631 feet in length and consists of approximately 164,060 square feet. The existing church is approximately 22,000 square feet in size and the proposed addition will consist of approximately 17,500 square feet with 311 parking spaces to be provided.

Building elevations indicate that the exterior of the addition would consist of painted split face block with an asphalt shingle roof. Building colors have not been indicated, however, the colors and materials for the addition and the existing church should be similar.

The site plan indicates a six (6) foot planter area would be provided along the north and south property lines and a five (5) foot planter along the east property line. The existing landscaping, located at the front of the building, consists of turf with no trees or shrubs being provided.

The site plan as submitted does not meet the setbacks as required in the R-1 Single Family Residential District for religious institutions.

In addition to the use permit, the applicant is requesting a waiver from the Commercial Development Design Standards for the following:

1. Section 17.24.200.E.4 of the Municipal Code requires "landscape islands shall be installed between the parking rows of every other double row of parking, and at the ends of every row. An additional six foot wide landscaped island shall be required within each parking row for every 15 parking spaces contained within the row. Islands shall be a minimum of six feet in width." The applicant is requesting to eliminate this requirement. *The intent of this requirement is; to provide a more aesthetically-pleasing environment for the citizens; to provide shade in the parking lot areas; and to reduce negative atmospheric impacts from heat transference.*
2. Section 17.24.200.E.5 of the Municipal Code requires "additional pedestrian linkages should be created as necessary within large parking areas by removing two adjoining parking spaces (one on each side of a row) to provide perpendicular passages between rows". The applicant is requesting to eliminate this requirement.
3. Section 17.24.200.G.1.a of the Municipal Code requires "solid walls, a minimum of six feet in height, measured from the finished grade of the property enclosed by the fence or wall, shall be constructed on the property line(s) between any commercial development which abuts residential development." The applicant is requesting to defer the perimeter block wall until the residential property is developed and the cost of the wall could be shared with the adjacent property owners or developers.
Title 17 Section 17.24.090.C states the Planning Commission may determine the

party responsible for construction and maintenance of the wall. Generally, it will be either the more intense use or the initial use that is responsible for the construction of the wall. In this case, the church is the more intense use and the initial use.

4. Section 17.24.200. J.7 of the Municipal Code requires "in addition to a solid masonry wall, a landscaped buffer area with a minimum width of 20 feet shall be planted and maintained with 24" box trees (1 ½" caliper measured at 4 ½' above

the root ball at the time of planting) at a maximum spacing of 20 feet on center adjacent to any abutting residential property. The applicant is requesting to reduce the 20' of landscaping on the interior perimeter to none at the existing parking lot, 6' on the north and south property lines and 5' on the east property line. The intent of this requirement is to provide a smooth transition between adjoining properties and uses of differing character.

In accordance with the Zoning Ordinance, a waiver of a requirement of the this chapter may be granted by the Planning Commission upon written request of the applicant, provided that the Commission finds the following:

1. That upon granting of the waiver as requested, the proposed project will substantially meet the intent of these guidelines.
2. That the granting of such request will not detrimentally affect the public health, safety or general welfare.
3. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property within the area.
4. That the granting of such application will not detrimentally affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

When reviewing an application for a waiver, the following evidence or criteria may not be considered by the Planning Commission when establishing the merits of a waiver request.

1. The financial situation of the applicant or costs of land, infrastructure, site or building improvements, or general development.
2. Any circumstances created knowingly or unknowingly by the current or previous owner(s) of the property.

It is the opinion of the Development Services Department that by granting this request, the proposed project will not substantially meet the intent of the Commercial Design Guidelines. The intent of the guidelines is to promote improved design and enhanced site planning of commercial development and to promote commercial development which enhances the quality of life for the citizens of North Las Vegas. The required landscaping is intended to, among other things, enhance the quality of life for those citizens living in the vicinity of this development as well as the citizens visiting the proposed facility.

The Department of Parks and Recreation has stated that allowing this waiver would set a precedent for other churches and business establishments, therefore, the Department of Parks and Recreation is recommending denial of this request.

The Development Services Department is not supporting the variance (VN-13-00) on this agenda for Planning Commission consideration, because there is no exceptional hardship being created by the lot size or the configuration of the lot. The site in question has the potential to develop in compliance with the Zoning Ordinance.

The site plan submitted is not in compliance with the Zoning Ordinance or the Commercial Development Design Standards.

RECOMMENDATION:

The Development Services Department recommends that UN-66-00 be continued indefinitely to allow the applicant time to submit a revised site plan that complies with the setbacks required and the Commercial Development Design Standards. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that UN-66-00 be denied.

If, however, the Planning Commission determined the variance (VN-13-00) was justifiable and that from the evidence presented that approval of the use permit (UN-66-00) is warranted at this time, then the Development Services Department recommends the

following conditions:

1. Standard conditions 4, 6, 8, 10, and 12.
2. A reversionary map is required to combine all parcels, as required by the Property Management Division.
3. Easements are required for the driveways and backflow preventors.
4. Dedication of perimeter streets is required and offsite improvements are to be as required by the Director of Public Works.
5. No building permits will be issued unless or until access is provided to service the Parcel identified as APN 139-16-701-006.
6. The applicant shall comply with the Commercial Development Design Standards including but not limited to the following:
 - a. That landscaped islands shall be installed between the parking rows of every other double row of parking, and at the ends of every row. An additional six (6) foot wide landscaped island shall be required within each parking row for every 15 parking spaces contained in a row.
 - b. Pedestrian linkages should be created as necessary within large parking areas by removing two adjoining parking spaces (one on each side of a row) to provide passages between rows.

- c. A wall minimum six (6) feet in height shall be constructed on the property line(s) between any commercial development which abuts residential development.
- d. A minimum 20 feet of landscaping shall be provided adjacent to the north, south, east and west property lines.

Chairman Nelson Stone asked about this item since item #15, VN-13-00 was denied.

Dennis Rusk, architect for the project, 3960 E. Patrick #203, Las Vegas, Nevada appeared on behalf of the applicant. He stated that it might benefit the church to deny this item, as well, so that he may be able to present both items to the City Council.

Chairman Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked the applicant what would be the reason for the Planning Commission to deny the use permit, as the use permit is in compliance with the law.

Mr. Rusk replied that the use permit is for this sanctuary, and not for the existing buildings. He stated that it also has waivers attached to it regarding parking and landscaping. Mr. Rusk further stated that he wants to point out to the Mayor and City Council that if he's forced to design to the standards, he would fall below the minimum required parking spaces for this site.

Commissioner Shull asked staff if the parking ratio has to do with seating or square footage of the building.

Mary Aldava, Associate Planner stated that the ratio is based on seating of the main assembly hall.

Chairman Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to DENY UN-66-00 per applicant's request.

The motion carried by UNANIMOUS vote.

15) VN-13-00 (2258) NLV CHURCH OF CHRIST (Public Hearing)

An application submitted by the NLV Church of Christ, property owner, for a variance to allow an eleven (11) foot side yard setback where fifty (50) feet is the minimum required. The property is located 2626 Martin Luther King Boulevard. The Assessor's Parcel Number is 139-16-701-006.

ANALYSIS:

The parcel is 260 feet in width by 631 feet in length and consists of approximately 164,060 square feet. The existing church is approximately 22,000 square feet in size. The proposed addition would consist of approximately 17,500 square feet.

There is no exceptional hardship being created by the lot size or the configuration of the lot. The site in question is a considerably large lot that has the potential to allow the construction of the proposed church expansion without a variance request.

The requested variance is "self-inflicted", and accordingly, the property must be developed in compliance with the Zoning Ordinance. Approval of a variance requires that the Planning Commission make the following findings:

1. There are exceptional and extraordinary circumstances and conditions applicable to the property involved and such circumstances and conditions do not generally apply to other properties in the same vicinity and zoning district; and
2. Such variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by property in the same vicinity and zoning district and denied to the property in question; and
3. The granting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvement in the same vicinity and zoning district; and
4. The granting of such a variance will not adversely affect the Master Plan of the City.

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a planning commission is empowered to grant a variance:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

RECOMMENDATION:

The Development Services Department recommends that VN-13-00 be denied.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff.

Dennis Rusk, architect for the project, 3960 E. Patrick #203, appeared on behalf of the applicant. Mr. Rusk introduced Reverend Hunter, minister of the Church of Christ, and requested the variance be approved.

Chairman Nelson Stone acknowledged that there were approximately 50 people in the audience in attendance for this particular item.

Chairman Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Chairman Stone asked Deputy City Attorney Jim Lewis if there are any vested rights that the applicant might have in connection with this application.

Deputy City Attorney Jim Lewis stated that there are no vested rights applicable in this case.

Commissioner Anita Wood stated that the Planning Commission is severely restricted, by law, as to when a variance may be granted.

Deputy City Attorney Jim Lewis read, from the City's Zoning Code, the evidence required for a variance.

Commissioner Tom Langford stated that expenses are not to be considered for the variance. He further stated that he would love to see the church get built, but it must be built according to the zoning ordinances today. He would definitely vote for the church, but not for the variance.

Chairman Nelson Stone stated he does not find the extraordinary hardship or circumstances on this property to would lead him to support a variance.

Commissioner Harry Shull stated that the new setback is 50 feet. He also stated that he concurs with the other Planning Commissioners in stating the Commission is not against the church, however it must be done in accordance with the zoning ordinance.

Mr. Rusk stated that one of the hardships would be to take into consideration the existing buildings on the site, not just the land itself. By moving the sanctuary away from the classrooms would create a hardship for the church.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to DENY VN-13-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

16) UN-43-94 (1637) SPRINT CELLULAR (Public Hearing)

An application submitted by Alltel Cellular Company, property owner, for an annual review of a use permit in an R-1 Single-Family Residential District to allow a cellular radio transmission facility (unmanned) and a 110 foot high tower. The property is generally located on the west side of Allen Lane approximately 566 feet north of El Campo Grande Street. The Assessor's Parcel Number is 124-30-701-003.

ANALYSIS:

The annual review is being conducted at this time to assess whether or not the improvements (block wall and landscaping) are needed. Staff recommends that these improvements be implemented, as they are warranted at this time.

RECOMMENDATION:

The Development Services Department recommends that the annual review for UN-43-94 be approved subject to the following conditions:

7. That a six-foot (6') high block wall shall be provided along the perimeter of the development, with that portion adjacent to the streets consisting of split face block with a fluted course one course from the top and being brown or tan in color. The perimeter wall shall be sealed by an approved method to prevent the leaching or transition of sulfates or calcium deposits through the wall.
8. That fifteen (15) feet of landscaping shall be provided along Allen Lane. The landscaping shall comply with the Single Family Design Standards.

The application was presented by Mary Aldava, Associate Planner, on behalf on staff. Staff is recommending approval.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to APPROVE UN-43-94 per staff's recommendations.

The motion carried by UNANIMOUS vote.

17) AMP-20-00 (2407) OUTBACK STEAKHOUSE (Public Hearing)

An application submitted by Outback Steakhouse, Inc. on behalf of the Donald G. Stewart 2000 Living Trust, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Very Low Density Residential to Community Commercial. The property is located west of Fuselier Drive, approximately 300 feet south of Craig Rd. The Assessor's Parcel Number is 139-05-702-003.

ANALYSIS:

Regional Commercial:

Community Commercial areas are meant to provide commercial services used by a large portion of the population of the City and may include Neighborhood Commercial uses. The market for Community Commercial areas is generally between two and seven miles. Community Commercial areas vary widely in use and intensity. Community Commercial areas may contain: clothing sales, appliance sales, furniture sales, automobile tire and/or service, small medical facilities and offices, two to four story professional office complexes, higher intensity commercial uses. Uses that would not generally be acceptable in community commercial areas are: vehicle sales, kennels, automobile engine and body repair, and casinos.

The Comprehensive Plan guidelines for Community Commercial state:

Community Commercial areas should only occur at the intersection of two 100-foot rights-of-way or greater, except for the Las Vegas Boulevard North corridor and Lake Mead Boulevard east of Interstate 15.

Craig Road is proposed as a 120-foot right-of-way and Fuselier Drive is proposed as a 60-foot right-of-way.

Community commercial centers may be appropriate at the intersection of two 100-foot arterial streets if a completed market analysis which takes into consideration existing and/or previously approved pending commercial projects within the vicinity of the proposed project shows that the market will support the requested use, as well as any existing and/or previously approved pending projects.

The subject site under consideration is not located at the intersection of two 100-foot arterial streets. Likewise, a market analysis has not been submitted.

Community commercial areas should be no smaller than 12 acres and no larger than 30 acres per street corner.

The area under consideration is approximately 2.3 acres in size.

Community commercial areas should not exceed more than 80 acres at any intersection.

Existing commercial and possible future commercial at the intersection of Craig Road and Fuselier Drive would not exceed 80 acres.

Community commercial areas adjacent to existing or planned residential uses should be carefully regulated to prevent intrusion into the residential neighborhood by noise, traffic, light, odor and other nuisances.

The 2.3 acres under consideration abut undeveloped land to the east and south and west of Fuselier Drive that is currently zoned as R-E Ranch Estates and has a land use designation of Very Low Density Residential on the Comprehensive Plan. Fuselier Drive is proposed as a 60-foot wide right-of-way that would provide access to future residential development within the area. The proposed amendment to the Comprehensive Plan would open Fuselier Drive up to commercial traffic.

The remaining guidelines address bars and taverns, shared architectural themes, and public areas.

These criteria would be required at the time site plan approval is sought.

The area under consideration for an amendment to the Comprehensive Plan land use element does not comply with the guidelines. In addition, the area under consideration is within the area designated as the R-E Ranch Estates Preservation Area.

Nevada Revised Statutes (NRS 278.261) requires the City Council to take actions as necessary and appropriate to ensure the rural character of each rural preservation neighborhood is preserved. On May 20, 1998, the City Council approved a resolution (#2016) which declared the intent to maintain the Ranch Estates Preservation Area in its existing state. The subject site under consideration for an amendment to the Comprehensive Plan (parcel number 139-05-702-003) is within the R-E Ranch Estates Preservation Area.

According to the site plan, the major anchor for the entire site under consideration for rezoning appears to be the Outback Steakhouse which is located on the two parcels next to Craig Road. The two parcels next to Craig Road are not within the R-E Ranch Estates Preservation Area and are supported for commercial development on the Comprehensive Plan. It is possible the applicant could proceed with commercial development on the two parcels next to Craig Road which would include the Outback Steakhouse. Therefore, it appears there is no compelling reason to amend the Comprehensive Plan to allow approximately 2.3 acres of additional commercial within the area designated as the R-E Ranch Estates Preservation Area.

Therefore, staff's recommendation for the amendment to the Comprehensive Plan land use element for the subject site (parcel number 139-05-702-003) that is located within the R-E Ranch Estates Preservation Area, is for denial.

The two parcels (parcel numbers 139-05-702-001 and 139-05-702-002) adjacent to Craig Road are supported for commercial development and would allow the applicant to proceed forward with what appears as the major anchor (Outback Steakhouse). However, because the subject site would be adjacent to future residential development and because the parcel to the west of Fuselier Drive is pending permanent zoning to the C-1 Neighborhood Commercial District, staff recommends that the request for rezoning be amended to the C-1 Neighborhood Commercial District. The C-1 Neighborhood Commercial District would still allow the applicant the ability to proceed forward with the Outback Steakhouse restaurant and be more compatible with the surrounding neighborhood.

RECOMMENDATION:

The Development Services Department recommends that AMP-20-00 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and the area is within the R-E Ranch Estates Preservation Area.

The Development Services Department recommends that ZN-28-00 be amended to permanently “hard zone” the two parcels (parcel numbers 130-05-702-001 and 139-05-702-002) adjacent to Craig Road to the C-1 Neighborhood Commercial District.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is to change the Comprehensive Plan from Very Low Density Residential to Community Commercial and the second request is to rezone the property from R-E Ranch Estates to C-2 General Commercial. Staff’s recommendation is the amendment to the Comprehensive Plan be denied as it doesn’t comply with the guidelines established in the Comprehensive Plan and that it is also within the Ranch Estates Preservation Area, as well as State law requires that the City Council take action to protect these areas.

As for the rezoning, staff’s recommendation is for approval on the two parcels next to Craig Road, however rather than C-2 zoning staff is recommending C-1 as the property to the west is going to be rezoned to C-1 as well as the parcels in this area.

Chairman Nelson Stone read a letter from the applicant regarding the applicant’s request for a continuance on items #17 & #18.

Doug Sawyer, 2816 Summer Lake Dr. Las Vegas, NV, and Derek Johnson, 7250 Peak Dr. Suite 110, Las Vegas, NV, appeared on behalf of the applicant.

Chairman Stone opened the Public Hearing. Two participants filled out blue cards:

Jamie Butler, 2202 N. Westshore Blvd. Tampa, Florida 33607

Clyde Spitze of Pentacore Engineering, 6763 W. Charleston Blvd.

These two prospective participants left the meeting early and were not present when called.

Chairman Stone stated that the Public Hearing will remain open and called for a motion to continue the item to the October 25, 2000 Planning Commission meeting.

Commissioner Anita Wood MOVED and Commissioner Marilyn Kirkpatrick SECONDED to CONTINUE AMP-20-00 to October 25, 2000 per the applicant’s request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 10/25/00.

18) ZN-28-00 (2408) OUTBACK STEAKHOUSE (Public Hearing)

An application submitted by Outback Steakhouse, Inc. on behalf of the Donald G. Stewart 2000 Living Trust, property owner, for reclassification of property from an R-E Ranch Estates District to a C-2 General Commercial District. The property is generally located at the southeast corner of Craig Road and Fuselier Drive. The Assessor's Parcel Numbers are 139-05-702-001, 139-05-702-002 and 139-05-702-003.

ANALYSIS:

Regional Commercial:

Community Commercial areas are meant to provide commercial services used by a large portion of the population of the City and may include Neighborhood Commercial uses. The market for Community Commercial areas is generally between two and seven miles. Community Commercial areas vary widely in use and intensity. Community Commercial areas may contain: clothing sales, appliance sales, furniture sales, automobile tire and/or service, small medical facilities and offices, two to four story professional office complexes, higher intensity commercial uses. Uses that would not generally be acceptable in community commercial areas are: vehicle sales, kennels, automobile engine and body repair, and casinos.

The Comprehensive Plan guidelines for Community Commercial state:

Community Commercial areas should only occur at the intersection of two 100-foot rights-of-way or greater, except for the Las Vegas Boulevard North corridor and Lake Mead Boulevard east of Interstate 15.

Craig Road is proposed as a 120-foot right-of-way and Fuselier Drive is proposed as a 60-foot right-of-way.

Community commercial centers may be appropriate at the intersection of two 100-foot arterial streets if a completed market analysis which takes into consideration existing and/or previously approved pending commercial projects within the vicinity of the proposed project shows that the market will support the requested use, as well as any existing and/or previously approved pending projects.

The subject site under consideration is not located at the intersection of two 100-foot arterial streets. Likewise, a market analysis has not been submitted.

Community commercial areas should be no smaller than 12 acres and no larger than 30 acres per street corner.

The area under consideration is approximately 2.3 acres in size.

Community commercial areas should not exceed more than 80 acres at any intersection.

Existing commercial and possible future commercial at the intersection of Craig Road and Fuselier Drive would not exceed 80 acres.

Community commercial areas adjacent to existing or planned residential uses should be carefully regulated to prevent intrusion into the residential neighborhood by noise, traffic, light, odor and other nuisances.

The 2.3 acres under consideration abut undeveloped land to the east and south and west of Fuselier Drive that is currently zoned as R-E Ranch Estates and has a land use designation of Very Low Density Residential on the Comprehensive Plan. Fuselier Drive is proposed as a 60-foot wide right-of-way that would provide access to future residential development within the area. The proposed amendment to the Comprehensive Plan would open Fuselier Drive up to commercial traffic.

The remaining guidelines address bars and taverns, shared architectural themes, and public areas.

These criteria would be required at the time site plan approval is sought.

The area under consideration for an amendment to the Comprehensive Plan land use element does not comply with the guidelines. In addition, the area under consideration is within the area designated as the R-E Ranch Estates Preservation Area.

Nevada Revised Statutes (NRS 278.261) requires the City Council to take actions as necessary and appropriate to ensure the rural character of each rural preservation neighborhood is preserved. On May 20, 1998, the City Council approved a resolution (#2016) which declared the intent to maintain the Ranch Estates Preservation Area in its existing state. The subject site under consideration for an amendment to the Comprehensive Plan (parcel number 139-05-702-003) is within the R-E Ranch Estates Preservation Area.

According to the site plan, the major anchor for the entire site under consideration for rezoning appears to be the Outback Steakhouse which is located on the two parcels next to Craig Road. The two parcels next to Craig Road are not within the R-E Ranch Estates Preservation Area and are supported for commercial development on the Comprehensive Plan. It is possible the applicant could proceed with commercial development on the two parcels next to Craig Road which would include the Outback Steakhouse. Therefore, it appears there is no compelling reason to amend the Comprehensive Plan to allow approximately 2.3 acres of additional commercial within the area designated as the R-E Ranch Estates Preservation Area.

Therefore, staff's recommendation for the amendment to the Comprehensive Plan land use element for the subject site (parcel number 139-05-702-003) that is located within the R-E Ranch Estates Preservation Area, is for denial.

The two parcels (parcel numbers 139-05-702-001 and 139-05-702-002) adjacent to Craig Road are supported for commercial development and would allow the applicant to proceed forward with what appears as the major anchor (Outback Steakhouse). However, because the subject site would be adjacent to future residential development and because the parcel to the west of Fuselier Drive is pending permanent zoning to the C-1 Neighborhood Commercial District, staff recommends that the request for rezoning be amended to the C-1 Neighborhood Commercial District. The C-1 Neighborhood Commercial District would still allow the applicant the ability to proceed forward with the Outback Steakhouse restaurant and be more compatible with the surrounding neighborhood.

RECOMMENDATION:

The Development Services Department recommends that AMP-20-00 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and the area is within the R-E Ranch Estates Preservation Area.

The Development Services Department recommends that ZN-28-00 be amended to permanently "hard zone" the two parcels (parcel numbers 130-05-702-001 and 139-05-702-002) adjacent to Craig Road to the C-1 Neighborhood Commercial District.

Doug Sawyer, 2816 Summer Lake Dr., Las Vegas, Nevada and Derek Johnson, 7250 Peak Dr. Suite 110, Las Vegas, Nevada came forward and requested this item be continued to the Planning Commission meeting on October 25, 2000.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. He stated that the Public Hearing shall remain open.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-28-00 to October 25, 2000 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to October 25, 2000.

19) ZN-29-00 (2428) THE DRESCHER CORPORATION (Public Hearing)

An application submitted by The Drescher Corporation on behalf of NV80 Partnership, LLC et. al., property owners, for reclassification of property from an O-L Open land District to an M-2 General Industrial District. The property is generally located at the northeast corner of Mt. Hood Street and Tropical Parkway. The Assessor's Parcel Number is 123-27-601-001.

ANALYSIS:

The Comprehensive Plan shows the subject site and the surrounding area as Industrial which would allow office/warehousing facilities. Development of the property would be subject to the industrial design guidelines. Staff has no objections to the proposed request.

RECOMMENDATION:

The Development Services Department recommends that ZN-29-00 be approved for permanent "hard zoning" to the M-2 General Industrial District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of this application is for reclassification from an O-L Open Land District to an M-2 General Industrial District. Also on this agenda are two items: a Use Permit and a Site Plan Review that will be brought in after this. The Comprehensive Plan supports M-2 zoning in this area, therefore, staff is recommending approval for permanent zoning to an M-2 District.

Caron Richardson, 6372 McLeod Dr. #3, Las Vegas, NV appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to APPROVE ZN-29-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

20) UN-80-00 (2467) THE DRESCHER CORPORATION (Public Hearing)

An application submitted by The Drescher Corporation on behalf of NV80 Partnership, LLC, property owner, et. al., for a use permit in an O-L Open Land District (pending application to M-2 General Industrial District) to allow hazardous materials (approximately 13,000 lbs. of anhydrous ammonia). The property is generally located at the northeast corner of Mt. Hood Street and Tropical Parkway. The3 Assessor's Parcel Number is 123-27-601-001.

ANALYSIS:

According to NRS 278.147, a 30-day notification is required to be published in the newspaper and sent to the following:

- a. Applicant;
- b. Each owner or tenant of real property located within 1,000 feet of the property in question;
- i. If a mobile home park or multiple-unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence;
- j. Any advisory board that has been established for the affected area by the governing body;
- k. The administrator of the division of environmental protection of the state department of conservation and natural resources;
- l. The state fire marshal; and
- m. The administrator of the division of industrial relations of the department of business and industry.

Approximately 67 notices were sent out to the surrounding property owners. The surrounding area is undeveloped and staff is not aware of any advisory board in the vicinity. All appropriate State agencies including Clark County have been notified of the proposed request.

In considering the application, the Planning Commission is required to consider fully the effect the facility will have on the health and safety of the residents of the city, county or region. In addition, the Planning Commission is required to consult with the following:

- a. Local emergency planning committees;
- b. The administrator of the division of environmental protection of the state department of conservation and natural resources;
- c. The state fire marshal;
- d. The administrator of the division of industrial relations of the department of business and industry; and

- e. The governing body of any other city or county that may be affected by the operation of the facility.

Some comments from the outside agencies have been received by the Development Services Department. At this time, there are no objections to the proposed use.

Because of NRS 278.147, the Planning Commission is required to present its recommendation to the City Council. The City Council is then required to hold a public hearing on the proposed request and make the final determination.

RECOMMENDATION:

The Development Services Department recommends UN-80-00 be approved and forwarded to the City Council for final consideration subject to the following conditions:

1. Standard conditions number: 11, and 12.
2. Separate approval of ZN-29-00 to rezone the subject site from O-L Open Land to M-2 General Industrial shall be obtained by the applicant, otherwise the use permit shall be considered null and void.
3. Separate approval of SPR-36-00 shall be obtained by the applicant, and the applicant shall comply with all conditions of approval for SPR-36-00.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of this application is for approval of a special use permit. This is regarding hazardous materials, approximately 13,000 lbs. of anhydrous ammonia in conjunction with the cold storage facility. He stated that he believed that the ammonia is required for cooling the freezer unit. According to a new State law there is a requirement for this type of use which requires the City to go out 1,000 feet instead of the normal 300 feet for use permits, as well as to publish this and notify everyone involved 30 days in advance instead of the customary 10 days advance notice. There are also a variety of State agencies that the City must advise regarding this matter. Staff received some letters from those state agencies and none objected to this project. Some agencies requested additional information in the future, also stating that the applicant would need to comply with any State requirements regarding this. Staff is recommending approval of this special use permit, however, the North Las Vegas Fire Department is requiring one additional condition be added to this item.

Deputy Fire Chief Jim Stubler stated that he has had many discussions with the Drescher Corporation regarding this condition which they are fully aware of. He stated that the condition is that the ammonia system be evaluated by a third party consulting firm to review code compliance and safety issues. The Drescher Corporation has previously agreed to this condition.

Caron Richardson, 6372 McLeod Dr. #3, Las Vegas, NV appeared on behalf of the applicant and indicated that she concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Marc Jordan stated that under State law, this item is required to be forwarded to the City Council for final consideration.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-80-00 with the following condition:

Condition #4 Added to Read: “An initial third party review of the system’s design.”

The motion carried by UNANIMOUS vote.

21) SPR-36-00 (2427) THE DRESCHER CORPORATION

An application submitted by The Drescher Corporation on behalf of NV80 Partnership, LLC, et. al., property owners, for a site plan review in an O-L Open Land District (pending M-2 General Industrial Zoning) to allow a cold storage facility. The property is generally located at the northeast corner of Mt. Hoot Street and Tropical Parkway. The Assessor's Parcel Number is 123-27-601-001.

ANALYSIS:

According to the industrial design guidelines, a minimum six feet of landscaping would be required in front of the office portion of the building. The site plan shows a sidewalk and parking lot next to the west elevation of the office portion of the building. In addition, the site plan shows a decorative CMU block wall next to Tropical Parkway and a chain link fence next to the remaining perimeter streets. Staff recommends that the proposed wall and fences be located behind the required perimeter landscaping.

In addition, landscaping next to Shatz Street or Azure Avenue has not been shown on the site plan. However, according to the letter of intent and site plan, the applicant is proposing to vacate Shatz Street and Azure Avenue. Should these streets be vacated or not be required, landscaping also would not be required in these areas.

The site plan shows that the proposed CMU block wall would be constructed of smooth face block with split face pilasters and two courses of split face block one course below the top. Staff recommends that split face block be incorporated in place of the proposed smooth block. This would bring the wall into compliance with the industrial design guidelines. Other materials, such as fluted block could be incorporated into the wall design for accent.

The building elevations show primarily a smooth block construction for the office portion of the building. Smooth block is not listed as one of the preferred building materials in the industrial guidelines. Staff would suggest the use of split face block in place of smooth block with the use of a different kind of block or color of block as accent.

The warehousing portion of the building consists of embossed insulated metal panels for all elevations. Downspouts built out and painted with an accent color is proposed for the north, south and portions of the east and west elevations. According to the industrial design guidelines, warehousing type buildings must be relieved through the use of changes in color, materials and/or relief such as the inclusion of beltlines, pilasters, pop outs, etc. Staff recommends that the remaining portions of the east and west elevations that do not include downspouts include pop-outs similar to the downspout pop-outs and spaced proportionally to provide relief to the large expanse of this building. Should these changes be incorporated into the building design, the proposed building should be brought into compliance with the industrial design guidelines.

According to the site plan, a total of 285 parking spaces is proposed for the site. Title 17 requires one parking space per 1,000 square feet of warehouse area and one parking space per 500 square feet of office area, minus 10 percent. Accordingly, a total of 304 parking spaces is required for the proposed development. The site plan has sufficient room to be revised to comply with the parking requirements.

According to the applicant, the rooftop mechanical units are condenser units located above the engine room. Title 17, section 17.24.070, paragraph C allows cooling towers or other structures where the manufacturing process requires a greater height to be exempt from the height requirements. However, for aesthetic purposes, staff recommends that these condenser units be painted to match the building.

The proposed site plan and building elevations need to be revised in order to be in compliance with the industrial design guidelines. However, the overall site design would be acceptable and at the time building permits are sought, the applicant would need to provide site plans, landscaping plans, building elevations, etc. to ensure the proposed development is in compliance with the industrial design standards.

RECOMMENDATION:

The Development Services Department recommends SPR-36-00 be approved subject to the following conditions:

1. Standard conditions number: 1, 2, 3, 6, 7, 8, 10, 11, 15, 23, 26, 27 and 29.
2. The applicant shall comply with the industrial design standards including but not limited to the following:
 - a. A minimum 20 feet of landscaping shall be provided next to Azure Avenue and Shatz Street, provided these streets are required.
 - b. A minimum 6 feet of landscaping shall be provided around the office portion of the building.
 - c. Landscaping shall be provided at the end of all parking rows and for every 15 parking spaces contained in a row.
 - d. A minimum six foot high decorative screen wall shall be provided to screen the loading bays from rights-of-way (Tropical Parkway, Mt Hood Street and if required Shatz Street). Screen walls shall be located behind the required perimeter landscaping.
 - e. Any chain link fencing shall be located behind the required perimeter landscaping.
 - f. Smooth face CMU block for the office building shall be prohibited except as an accent material. The office portion of the building shall be constructed using the preferred building materials outlined in the industrial design standards.
 - g. The downspouts shall be encased so as to provide a pop out to aid in providing architectural relief.
 - h. Additional pop outs shall be required on the east and west elevations to aid in providing architectural relief.
 - i. Condenser units shall be painted to match the building.
3. A barrier shall be provided between the developed and undeveloped portion of the site to prevent vehicles from driving or parking on the undeveloped area. Such barrier shall be

subject to staff review and approval.

4. The following areas must be dedicated prior to issuance of building permits.

Mount Hood Street	40-feet of right-of-way
Tropical Parkway	40-feet of right-of-way
Shatz Street	30-feet of right-of-way
Azure Avenue	30-feet of right-of-way
Mount Hood Street and Tropical Parkway	25-foot radius spandrel
Tropical Parkway and Shatz Street	20-foot radius spandrel
Mount Hood Street and Azure Avenue	20-foot radius spandrel
Shatz Street and Azure Avenue	15-foot radius spandrel

5. Easements are required for commercial driveways and backflow preventors.
6. The applicant shall comply with the parking requirements.
7. Separate approval of ZN-29-00 to rezone the subject site from O-L Open Land to M-2 General Industrial shall be obtained by the applicant, otherwise the site plan review shall be considered null and void.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of the application is for approval of a Site Plan Review. Staff is recommending approval, but with conditions regarding landscaping around the building.

Caron Richardson, 6372 McLeod Dr. #3, Las Vegas, NV appeared on behalf of the applicant and indicated she concurs with staff's recommendations.

Steve Baxter, Planning Manager, stated that condition 3 indicates that the dedication of perimeter streets is required and off-site improvements are to be as required by the director of Public Works.

Tom Bell, Director of Development Services, stated that would give the director of Public Works more flexibility, should they come in and provide additional studies to traffic and to the City Council. The director would have that flexibility to defer it, if he so desired.

Commissioner Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE SPR-36-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

22) T-844 (1841) BRUCE COURT

An application submitted by Rocklin, LLC, property owner, for a revised tentative map review in an M-2 General Industrial District. The property is generally located at the northwest corner of Gilmore Avenue and Bruce Street. The Assessor's Parcel Number is 139-11-102-004.

ANALYSIS:

According to the applicant's letter of intent, the individual lots would be developed for sale. The applicant would be required to meet the minimum lot size and width requirements and comply with all codes and ordinances in effect.

The Department of Public Works recommends that this item be continued to allow the applicant time to submit a complete application. The map submitted does not show the proper easements for conveyance of flows through the site.

RECOMMENDATION:

The Development Services Department recommends continuance of T-844 in order to give the applicant time to submit a revised tentative map that satisfies the Department of Public Works.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of this application is for a revised Tentative Map.

Tom Buist, 810 S. Durango Dr. Suite 110, Las Vegas, Nevada 89145 appeared on behalf of applicant who concurred with staff's recommendations.

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to APPROVE T-844 per staff's recommendations.

The motion carried by UNANIMOUS vote.

23) T-853 (2403) COBBLESTONE COVE

An application submitted by D.R. Horton on behalf of Bruceland Partners, property owners, for a tentative map review in an R-1 Single Residential District (ROI to PUD). The property is generally located at the southwest corner of Washburn Road and Bruce Street. The Assessor's Parcel Number is 124-35-303-001.

ANALYSIS:

The tentative map indicates six (6) feet of perimeter landscaping is proposed as required by the resolution of intent.

The proposed development meets the R-1 Single Family Residential District requirements and is in compliance with the Resolution of Intent (#1957). Staff has no objections to the proposed tentative map.

RECOMMENDATION:

The Development Services Department recommends that T-853 be approved subject to the following conditions:

1. Standard condition numbers: 1, 2, 3, 4, 5, 11, 15, 17, 18, 22, 23, 26, 27, 29 and 32.
2. That all conditions of approval for ZN-36-97 shall be met.
3. The project is adjacent to a Clark County jurisdiction on the north and east boundaries. Clark County Public Works review and approval of the Drainage Study is required.
4. The developer is required to dedicate 40 feet of right-of-way on Washburn Road, 40 feet for Bruce Street, a 20-foot radius spandrel at Donna Street and Washburn Road and a 25-foot radius spandrel at Washburn Road and Bruce Street.
5. Approval of the tentative map does not imply approval of the site drainage patterns. The ultimate drainage patterns must reflect those proposed within an approved drainage study.
6. Right-of-way for a bus turn out on Bruce Street south of Washburn Road is required.
7. Fiber optic conduit is required on Bruce Street and Washburn Road.
8. Donna Street's easterly nine (9) feet shall be vacated from La Madre Way to Washburn Road.
9. The developer is required to construct a 12-inch water main in Washburn Road from Donna Street to Bruce Street.
10. Two copies of a revised tentative map incorporating the conditions of approval shall be submitted for review to the Public Works Department and the Planning Division prior to submittal of the final map.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff.

Ron Jackson, Southwest Engineering, 3610 N. Rancho Dr. Las Vegas, appeared on behalf of the

applicant and stated he concurs with staff's recommendations, with the following exception: the applicant wants proposed Condition #8 be removed. Second, in Condition #6 which requires the applicant to provide a bus turnout, he proposes to shorten the lots to 95 feet at the bus pockets.

Commissioner Marilyn Kirkpatrick asked for clarification of the easement.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE T-853 per staff's recommendations.

The motion carried by UNANIMOUS vote.

24) SPR-32-00 (2066) SANTA BARBARA VILLAGE

An application submitted by Bristlecone Partners LLC, property owner, for a site plan review in an R-4 High Density Residential District to allow wrought iron stairways where stucco is required and planters instead of landscaping. The Assessor's Parcel Numbers are 139-11-810-021 through 139-11-810-052.

ANALYSIS:

The applicant is required to comply with the Multi Family Design Standards for the expansion of the Santa Barbara Village complex. The applicant is requesting a waiver from certain design elements within the Multi Family Design Standards in order to conform to the original architectural design of the development.

Section 17.24.195.B.4 of the Municipal Code requires "peripheral landscaping shall be provided and shall include drought-resistant plant materials compatible with adjacent neighborhoods and the requirements of this title as approved by the Development Services Director or his designee. Areas at least 15 feet in width from back of curb to perimeter walls (which may include sidewalks and portions of right-of-way) shall be maintained adjacent to collector streets". The applicant is requesting to provide two (2) 100 square foot planting areas and two (2) 25 square foot tree wells along Bulloch Street in lieu of the 15-foot requirement. The existing complex has provided approximately two (2) to three (3) feet of landscaping along Civic Center Drive.

Section 17.24.195.D.1.a of the Municipal Code requires "external entrance balconies and stairways shall be integrated into the building design". The applicant is requesting to

provide wrought iron stairways. This is due to the close proximity of windows adjacent to the stair run. A closed stairway would block light and views from certain units.

In accordance with the Zoning Ordinance, a waiver of a requirement of the this chapter may be granted by the Planning Commission upon written request of the applicant, provided that the Commission finds the following:

1. That upon granting of the waiver as requested, the proposed project will substantially meet the intent of these guidelines.
2. That the granting of such request will not detrimentally affect the public health, safety or general welfare.
3. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property within the area.
4. That the granting of such application will not detrimentally affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

When reviewing an application for a waiver, the following evidence or criteria may not be considered by the Planning Commission when establishing the merits of a waiver request.

1. The financial situation of the applicant or costs of land, infrastructure, site or building improvements, or general development.

2. Any circumstances created knowingly or unknowingly by the current or previous owner(s) of the property.

The intent of the Multi Family Standards is to promote improved design and enhance site planning of multi family development, which enhances the quality of life for the citizens of North Las Vegas.

In the attached memorandum, the Fire Department states, "the Fire Department is neutral concerning this application. The island indicated in the entrance drive is unacceptable. Project directory as required by the Uniform Fire Code is required. Any gates across Fire Department access shall be electronically operated.

RECOMMENDATION:

The Development Services Department recommends that SPR-32-00 be continued indefinitely to allow the applicant time to submit a revised site plan that complies with Multi Family Standards and to address any issues of concern by the Fire Department pertaining to the site's design. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that SPR-32-00 be denied.

If, however, the Planning Commission determines from the evidence presented that approval is warranted at this time, then the Development Services Department recommends the following conditions:

1. Standard Conditions 1, 2, 4, 6, 8, 10, 11, 15, 27 and 29.
2. Boundary line of property with dimensions must be shown.
3. The name and mailing address of the developer and engineer must be on the plan.
4. A north arrow and map scale must be shown.
5. Topographic contours must be shown at a minimum interval of two feet.
6. Surface water drainage arrows must be provided.
7. Sidewalks, walkways, driveways and handicap ramps must be shown.
8. Curve data for all curves must be shown.
9. Benchmark elevation above mean sea level is required.
10. That the applicant comply with all applicant provisions of the North Las Vegas Fire Code as adopted by the City of North Las Vegas.

11. The applicant shall comply with the Multi Family Design Standards including but not limited to the following:
 - a. A minimum of Fifteen (15) feet of landscaping shall be provided next to Bulloch Street.
 - b. External stairways shall be integrated into the building design.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff.

Allen Stewart, 3655 Tennis Court, Las Vegas, Nevada appeared on behalf of the applicant.

Commissioner Anita Wood asked Deputy Fire Chief Jim Stubler if Condition #10 would satisfy any outstanding issues with the Fire Department

Deputy Fire Chief Jim Stubler stated that it would.

Commissioner Harry Shull stated to the applicant that if approved he would be required to have the stairwells enclosed in compliance with the new guidelines.

The applicant stated that he does not have a problem with any of the conditions.

Commissioner Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE SPR-32-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

25) T-852 (2360) ANN/COLEMAN COMMERCIAL CENTER

An application submitted by Adama Land Development Corporation on behalf of Ann & Clayton, LLC, property owner, for a tentative map review in an R-E Ranch Estates District (ROI to C-1 Neighborhood Commercial). The property is generally located at the northeast corner of Ann Road and Coleman Street. The Assessor's Parcel Numbers are 124-29-802-005, 124-29-802-006 and 124-29-802-011.

ANALYSIS:

With this application, the applicant is taking the first step in satisfying condition #7 of SPR-03-00. The entire site is either permanently zoned or under a resolution of intent to the C-1, Neighborhood Commercial, zoning district. Originally, this proposal included the Texaco gas station and convenience store at the northwest corner of Ann Road and Clayton Street, but that site is no longer included with this proposal. The Texaco station is almost completely constructed.

Because the Fire Department recommends that this application be continued, the Development Services Department recommends the same. It is recommended that the applicant meet with the Fire Department to resolve any outstanding concerns prior to the Planning Commission's consideration of this item.

RECOMMENDATION:

The Development Services Department recommends that T-852 be continued indefinitely to allow the applicant time to resolve issues raised by the Fire Department.

If the applicant has met with the Fire Department prior to the Planning Commission meeting, then the Development Services Department will recommend that T-852 be approved subject to the following conditions:

1. That all conditions of the site plan review (SPR-03-00) and the zoning (ZN-27-95) be met. If there is a conflict in conditions, the more restrictive shall apply; and
2. That Standard Conditions 6, 11, 27 and 31 apply; and
3. That drainage easements be provided, as required by the approved drainage study; and
4. That agreements be processed through the Department of Public Works to provide public access through private property and to ensure maintenance of landscaping within the public right-of-way due to the meandering sidewalk.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the purpose of this application is for approval of one lot Commercial Tentative Map. The property is currently under a Resolution of Intent for a C-1 District. Applicant is proposing a Tentative Map which in compliance with a condition of a Site Plan Review that was approved by the Planning Commission on March 22, 2000. Staff originally recommended this item be continued indefinitely to allow time to meet with the Fire Department. They have met with the Fire Department and therefore staff is recommending approval on this item.

Brent Mutti, Orion Engineering, 3068 E. Sunset, Suite 9, Las Vegas, Nevada appeared on behalf of applicant who stated he concurs with staff.

Chairman Nelson Stone opened a Public Hearing, even though this is not a Public Hearing item, because a citizen wished to speak. The following participant came forward:

Russell Bruce, 3717 St. Peter Court, North Las Vegas, Nevada

Mr. Bruce stated that he is concerned about the massive amount of commercialism that will be placed into the area. He stated that he originally moved to this area due to the lack of commercialism and hopes the Planning Commission is against approval.

Commissioner Marilyn Kirkpatrick asked Chairman Nelson Stone if Ann Road is going to be a major thoroughfare.

Chairman Nelson Stone stated yes.

Commissioner Anita Wood advised the applicant that this item is for a Tentative Map which means that the City Council has already approved the zoning. She further stated that the Planning Commission is approving the map that the applicant is supplying based on the Commercial Zoning that already been granted by City Council.

Commissioner Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE T-852 per staff's recommendations and the following changes:

Condition #5 Added to Read: "Final civil plans subject to Fire Department review and approval."

Condition #2 Changed to Read: "That Standard Conditions, 6, 7, 11, 27, and 31 apply; and"

The motion carried by UNANIMOUS vote.

26) SPR-35-00 (2404) NORTHERN VISTAS

An application submitted by Acclaim Engineering Group Inc. on behalf of Northern Vistas LLC, property owner for a sit plan review in a C-1 Neighborhood Commercial District. The property is located at the southwest corner of Craig Road and Ferrell Street. The Assessor's Parcel Number is 139-05-301-004.

ANALYSIS:

Section 17.24.200.E(2) of the Municipal Code reads, "...Any area of a parking lot which abuts a public street shall be setback from the property line a minimum of 20 feet."

According to Section 17.24.200.J(1) of the Municipal Code, "Perimeter landscaping shall be provided ... Areas at least 20 feet in width from back of curb to perimeter walls or buildings (which may include sidewalks and portions of right-of-way) shall be maintained..."

The applicant is requesting to reduce the landscaping width adjacent to the Ferrell Street right-of-way from 20 feet to 10 feet.

The applicant states in the letter of intent, "the reduced landscape buffer along Ferrell will be consistent with the existing landscape areas along the residential areas to the south of this project." The differences being that the residential communities to the south were established prior to the adopted standards and that this project is commercial. It should be the responsibility of this developer to properly buffer the proposed commercial uses from the existing and proposed residential neighborhoods. This site is across the streets from two residential districts and abuts one to the south.

According to Section 17.24.200.J(7) of the Municipal Code, "... a landscape buffer area with a minimum width of 20 feet shall be planted and maintained ... adjacent to any abutting residential property ..." The southern property line of this site abuts eight (8) single family residential parcels.

The applicant indicates in the letter of intent that the "project is proposing to construct other amenities to offset the reduced landscape width such as lush landscaping, enhanced pedestrian amenities, and nice courtyard areas." However, the Commercial Design Standards outline these types of "amenities" as standards for all commercial developments, and not in-lieu of otherwise required design features. A preliminary landscape plan was not submitted with this application, and without specific landscaping details, the "lush landscaping" could not be enforced.

The intent of the landscaping requirements is to provide for better streetscapes and to provide sufficient buffering between commercial and residential uses. Since the site is currently vacant and there have not been any reasons presented which would limit the applicant's ability to develop this site in complete compliance with the design standards, the waiver requests should be denied.

The submitted site plan does not meet the Commercial Design Standards with respect to building placement and orientation. The buildings are required to be oriented toward the front setbacks with the parking areas located behind the buildings. The site plan identifies two 12,000-square-foot buildings near Craig Road with some parking areas between the buildings and Craig Road. The site plan indicates that parking spaces would be on top of a drainage structure, owned by the City of North Las Vegas. The drainage structure is within a 30-foot right-of-way, bringing the total right-of-way adjacent to the north side of this site to 150 feet. As has been done in similar cases, the applicant has been required to provide 20 feet of landscaping from the property line.

Since the buildings are required to be setback a minimum of 20 feet, this area should be landscaped and maintained by the property owner, or business association. At the time of building plan submittal,

these site design issues will be enforced.

Another reason to have the required front setbacks from the property line is because in the event the City needed to excavate the drainage culvert, the development could still meet the setback and landscaping requirements. If the City were to modify the drainage system to create an open channel, then this site (as proposed) would not only lose required parking, but it would eliminate all of their landscaping adjacent to the City's primary commercial corridor, Craig Road.

The minimum setback for a parking lot in a C-1 zoning district is 10 feet from the property line or right-of-way (Section 17.20.100.F[1] of the Zoning Ordinance.) As shown on the site plan, this requirement is not satisfied and can not be "waived" with this application.

In accordance with the Zoning Ordinance, a waiver of a requirement (of the Commercial Design Standards) may be granted by the Planning Commission upon written request of the applicant, provided that the Commission finds the following:

1. That upon granting of the waiver as requested, the proposed project will substantially meet the intent of these guidelines; and
2. That the granting of such request will not detrimentally affect the public health, safety or general welfare; and
3. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other properties within the area; and
4. That the granting of such application will not detrimentally affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

Furthermore, when reviewing an application for a waiver, the following evidence or criteria may not be considered by the Planning Commission when establishing the merits of a waiver request:

1. The financial situation of the applicant or costs of land, infrastructure, site or building improvements, or general development; and
2. Any circumstances created knowingly or unknowingly by the current or previous owner(s) of the property.

RECOMMENDATION:

The Development Services Department recommends that SPR-35-00 be denied because the submitted site plan does not meet the minimum standards adopted by the City for the proposed use and because of the reasons listed above. There have not been any compelling reasons presented by the applicant which demonstrate the need or hardship to warrant any waivers from the adopted design standards. The site is currently undeveloped and should be developed in accordance with all applicable City standards.

Prior to the Planning Commission meeting of September 27, 2000, the applicant requested the item be continued to the October 25, 2000 Planning Commission meeting.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE SPR-35-00 to October 25, 2000 per staff's recommendations.

The motion carried by UNANIMOUS vote.

This item is CONTINUED to October 25, 2000.

OLD BUSINESS

27) AMP-15-00 (2122) CITY OF NORTH LAS VEGAS (Public Hearing)

An application submitted by the City of North Las Vegas for an Amendment to the Comprehensive

Plan, land use element, to change the current designation of High Density Residential to Medium Density Residential. The property is generally located between Valley Drive and San Mateo Street north of Ann Road and south of Ranch House Road. The Assessor's Parcel Numbers are 124-30-203-001, 124-30-303-001 through 124-30-303-004, 124-30-303-401 through 124-30-401-006 and 124-30-401-014.

Amendment Consideration:

The City of North Las Vegas is proposing an amendment to the Comprehensive Plan for approximately 110 acres, consisting of ten parcels, located north of Ann Road between San Mateo Street and Valley Drive. This acreage is currently classified as High Density Residential (HDR) allowing from 12-18 dwelling units per acre. The subject site is part of a 170-acre area designated High Density Residential. The City is proposing to reduce the density of the eastern 110 acres to Medium Density Residential (MDR) at a build-out of 4.5 -10 dwelling units per acre.

The 110 acres is currently zoned R-1 Single-Family Residential. The following four resolutions of intent have been approved in this area:

- 1) Resolution #2108 was approved September 15, 1999 expiring September 15, 2001.
This resolution approved 20.5 acres to be rezoned from R-1 to R-3.
- 2) Resolution #2046 was approved August 5, 1998 expiring March 3, 2001. This resolution approved 20.5 acres to be rezoned from R-1 to R-3.
- 3) Resolution #2066 was approved January 6, 1999 expiring January 6, 2001.
This resolution approved 10.26 acres to be rezoned from R-1 to R-3.
- 4) Resolution #2092 was approved January 6, 1999 expiring January 6, 2001.
This resolution approved 5.16 acres to be rezoned from R-1 to R-3.

At the time the ROIs were approved, the entire area was designated Residential High Density (HD) under the 1993 Master Plan. In the 1993 Plan, HD allowed any kind of residential development from less than one unit per acre up to 18 units per acre. The purpose of this type of residential designation was to allow flexibility so that the City could approve different land uses where they made the most sense. For instance, multi-family could be approved next to a major arterial street or shopping center, and then the density of residential development could be gradually reduced to provide a transition between multi-family residential and low density residential areas. In practice, this development pattern was not occurring as envisioned. Consequently, in the 1999 Comprehensive Plan, residential densities are stratified on the Land Use Plan, to more strongly encourage the gradual reduction of residential densities. When the ROIs were approved, the current Comprehensive Plan was still a draft. Once the four ROIs were approved between San Mateo Street and Valley Drive the draft was changed to reflect the ROI approvals. At that point it no longer made sense to leave a small amount of Low Density Residential surrounded by commercial and multi-family areas, so the remaining Low Density Residential area shown between Decatur and San Mateo Street was also changed to High Density Residential. The result was the concentration of multi-family residential in a very large area.

After discussing the extent of this area, the Council asked staff to take a look at the area and present possible options. The Council and staff discussed four options. Option One was to not amend the Land Use Plan. Option two would stratify the area (from west to east) into High Density, Medium High Density, Medium Density and Low Density. Option Three would stratify the area into High Density and

Medium Density. Option Four would designate the entire area as Low Density. The Council directed staff to initiate this amendment which is based on Option #3.

ANALYSIS:

Before discussing amending the Land Use Plan with Council, staff looked into the impacts of this much high density on the surrounding area. Multi-family development on the 60 acres immediately east of Decatur is appropriate because Decatur is a major arterial street, and there will be commercial development to the north and south. The primary issue is the additional multi-family area east of the 60 acres. The development of this 110-acre area at a density of 16 units per acre would result in the construction of approximately 1,760 units. This acreage of High Density Residential combined with the 60 acres along Decatur would have a significant impact on area schools. The development of multi-family residential would yield over twice as many students as would the same acreage of single-family R-1 development. Regarding traffic, the estimated number of trips generated per day, would be 17,952 based on the Institute of Traffic Engineers (ITE) Trip Generation figure of 6.6 trips per day, which would significantly impact surrounding streets. Large densely populated areas also have a tendency to concentrate crime and social problems. In addition, there would be no transitional residential development between the multi-family development west of Allen Lane and the planned Low Density Residential area on the east side of Allen Lane. A further issue is the negative image for the City that such a large multi-family area would create. Further adding to the congestion and population in this area is 30 acres of multi-family residential located approximately an 1/8 of a mile to the north in the Highland Hills development. Staff did not include Highland Hills in the above numbers.

As stated above, the Council felt that reducing the residential density of the subject 110 acres to Medium Density would greatly improve the quality and livability of the area. Density would be reduced by roughly 50%, based on the land being developed at an average of eight dwelling units per acre. This reduced density would decrease the impacts to schools, streets, and other City services such as parks, fire protection, emergency medical, and police protection. It would also provide a desirable transition in land use between multi-family to the west and single-family to the east. Furthermore, it would be an area in which a variety of housing types could be developed, such as single-family residential, townhouses, and low density apartments and condominiums. The area would therefore, consist of development that has the potential to be more diverse and visually interesting than an area that is only developed with multi-family projects at about the same density.

RECOMMENDATION:

Based on the reasons stated above, the Development Services Department recommends that AMP-15-00 be approved.

Steve Baxter, Planning Manager, appeared on behalf of the applicant, the City of North Las Vegas, stated that staff is recommending approval of this item.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

Kevin Keefe, 8434 Brookline Court, Las Vegas, NV

Bill Curran, 601 S. Rancho #C-23

Mr. Curran stated that he represents Kevin Keefe and asked to speak for both of them. He stated that they are opposed to this item.

Brad Burns, 3600 N. Rancho Dr., Las Vegas, Nevada 89130

Mr. Burns stated that he is concerned because as a developer in the City of North Las Vegas he feels that there is no continuity and no accountability. He also stated that he was not notified about this project. He asked to have this item continued so that it could be further discussed and get more people in the community involved in this issue.

George Garcia, 2501 Green Valley Parkway #108, Henderson, Nevada 89014

Mr. Garcia stated that he is representing several interested parties who are all in opposition of this item.

Jacques Massa, 2025 Shadow Brook Way, Henderson, Nevada

Mr. Massa stated that he believes that the City has been planning this project for over one year and feels that he is being attacked.

Ken Matonovich 2329 Delina Dr. Las Vegas, Nevada 89131

Mr. Matonovich stated that he believes this project will hurt homeowners financially.

Robert Krug, 4429 Ivory Jade Ave. North Las Vegas, Nevada 89031

Mr. Krug stated that when originally purchased his property he was given maps showing everything around this area was R-1. He stated that there are 256 homes across from the site for this project and that many people will lose money if apartments go in across the street from the residents.

Russell Bruce 3717 St. Peter Court North Las Vegas, Nevada 89031

Mr. Bruce stated that he is in favor of Medium Density and supports this project.

Jeff Blatt 4426 Scarlet Sea Avenue North Las Vegas, Nevada 89031

Mr. Blatt stated that he is in favor of anything that would keep apartments out of the area of his home in order to keep the property value up. He opposes this project.

Corbin Van Nest 4447 North Las Vegas

Mr. Van Nest stated that he opposes this project.

Vicki Adams, 4443 Sparkle Crest, North Las Vegas, Nevada

Ms. Adams stated that prior to purchasing her home, she researched the area and checked the zoning to ensure no apartments were in the area. She opposes any apartments being built in this area as she feels this would reduce the value of her home. She further stated that another 48 residents in this area, who were unable to attend, have signed a petition which Ms. Adams submitted and was entered into the record.

Bill Nicewander 4443 Sparkle Crest, North Las Vegas, Nevada

Mr. Nicewander stated that before he purchased his home he checked to see if apartments were part of the plan and was pleased to learn that they were not. He further stated that now he is dissatisfied to learn that apartments have been approved and opposes this project.

Mark Lefkowitz, P.O. Box 26988, Las Vegas, Nevada 89126

Mr. Lefkowitz left the meeting early. Mr. George Garcia came forward and stated that he spoke for Mr. Lefkowitz during his speaking time.

Jack H. Riley, 3028 Bel Air Las Vegas, Nevada 89109

Mr. Riley stated that he is firmly opposed to this project and has retained legal counsel as a result, due to this adversely affecting his financial position. Mr. Riley proceeded to read a letter written to Mayor Montandon by Randall Jones, attorney for Mr. Riley.

Commissioner Anita Wood stated that the area in question needs to be examined and the density needs to be lower. She would like to see this project examined in detail before the Planning Commission renders a decision.

Steve Baxter, Planning Manager, who was speaking on behalf of the City, applicant on this item, stated that he recommends a workshop to address the issues regarding this item.

Commissioner Marilyn Kirkpatrick stated that years ago everything was Ranch Estates and the residents in Ranch Estates did not like to see R-1 zoning come in. Now the R-1 residents do not want to see the Higher Density come in. She further stated that the Planning Commission needs to take a closer look at this matter to determine its impact on schools and traffic. Commissioner Kirkpatrick asked Steve Baxter, representing the applicant, if the City wishes to continue this item.

Mr. Baxter stated that he is willing to continue this item and have the Planning Commission discuss the matter further.

Commissioner Dean Leavitt stated that the Planning Commission needs to have the opportunity to conduct its own research in order to make an informed decision on this matter.

Commissioner Tom Langford stated that he agrees that the Planning Commission needs to be more involved in matters such as these. He also stated that he does not appreciate attorneys coming before the Commission and making threats.

Chairman Nelson Stone asked staff if they would ever recommend denial against their own City

Council. He also stated that this application is for 110 acres, of which 40 acres is State of Nevada land, and no representative of the State of Nevada is present to give input on this matter. He supports a continuance if the Commission could broaden their review of the area.

Commissioner Harry Shull stated that he agrees with the other Commissioners that this matter should be continued and reviewed by the Commission. He further stated that he does not agree with the fears that the residents in attendance are putting forth. He claimed that as a developer in the City of North Las Vegas he does not believe that apartments reduce the value of property.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE AMP-15-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

This item was CONTINUED INDEFINITELY.

28) AMP-16-00 (2161) DEER SPRINGS/NO 5TH APARTMENT (Public Hearing)

An application submitted by Unlimited Holdings on behalf of Jerome Snyder, et. al., property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Medium Density Residential to Medium-High Density Residential. The property is generally located at the northwest corner of North 5th Street and Deer Springs Way. The

Assessor's Parcel Numbers are 124-22-601-004 and 124-22-601-005.

ANALYSIS:

The City of North Las Vegas Comprehensive Plan currently identifies this area to be developed with a density of 4.5 - 10 dwelling units per acre. The reason for the medium density classification is because of the lack of infrastructure and services in these areas at this time. The Comprehensive Plan land use designation for this parcel is MDR, Medium Density Residential. The proposed development would increase the overall density of this site by at least eight (8) dwelling units per acre.

Nevada Revised Statute 278.250(2) reads, "The zoning regulations must be adopted in accordance with the master plan for land use..." In this case, the applicant is proposing to change the "master plan" so it could accommodate the zone change request.

The Comprehensive Plan is very specific in outlining criteria that must be considered prior to a change of the adopted plan. The following excerpts from the North Las Vegas Comprehensive Plan are relevant to these proposals:

4.1.5(a) Land Use Principles

- (1) Promote a diversity of residential types, sizes and densities throughout the City. Additionally, special efforts should be made to attract custom-type, higher end housing to the community. The newly developing residential areas in North Las Vegas should not become the repository of small lot, single-family development.

This proposal identifies multi-family apartment housing. North Las Vegas currently provides approximately 75% of the Valley's affordable housing, which can typically be found within apartment complexes. This development does not identify any custom-type, higher end housing options and, therefore, does not meet this standard.

2. While committed to the principle of affordable housing, the City of North Las Vegas should not continue to provide a disproportionate share of the Las Vegas Metropolitan Area's affordable housing stock.

As mentioned above, this proposal does not identify any housing options which support this standard.

3. Develop a Land Use Plan that continues to promote economic development of North Las Vegas and maximizes the City's growth potential.

The existing land use designation takes into consideration higher density residential developments and to deviate from that plan at this time could jeopardize this standard.

4. Locate multi-family residential land uses in areas with sufficient arterial street access, existing infrastructure, and as compatible uses and transitions between lower density residential and commercial uses.

The area immediately south of this site is designated as Medium High Density Residential.

This site is designated as Medium Density Residential because of the planned progression of more intensive land uses and because of the projected housing needs in North Las Vegas - as determined by the Comprehensive Plan.

5. Coordinate future land development with public utility placement, road capacity, adjacent land use and community priorities as established in the North Las Vegas Comprehensive Plan.

In order for this proposal to be coordinated with public utility placement, road capacity and community priorities, it would need to be considered after the beltway is constructed or after contiguous development abuts this site. Until such time, it would not meet the City of North Las Vegas' goals and top priorities of "Planned and Quality Growth" and "Financially Sound City Government Providing High Quality, Responsive Services."

4.1.6 Land Use Implementation Guidelines

A. Residential Land Use Guidelines

6. **Medium High Density Residential** (8 - 13 dwelling units per acre)

Purpose

The medium high density residential designation is for the purpose of providing lower density multiple family development. The density and scale of development should be compatible with adjacent and nearby residential uses.

The proposed project would provide for a density of 18.05± dwelling units per acre on a parcel approximately 19.5 acres in size. The proposed density would even exceed the maximum allowable density for the High Density Residential classification. Adjacent to the south, the Comprehensive Plan identifies approximately 20 acres of Medium High Density Residential. Adjacent to the north, east and west is Medium Density Residential. Although the requested Medium High Density Residential is compatible with the adjacent uses, it would increase the allocated area for Medium High Density Residential. Perhaps more importantly, it would decrease the allocated area for future Medium Density Residential development. Therefore, the proposed increase in density and scale of development does not satisfy the purpose of this standard.

Guidelines

New medium high density residential should only be considered where City services can be provided without adverse impacts on other already developed areas. Availability of public services and facilities should be taken into account before allowing development.

At this time, this proposal could not be developed without creating an adverse impact on existing City services. The location is the primary prohibitive factor. There will be a day when the City of North Las Vegas can provide utility and emergency services for the proposed increase in density in this area, but not at this time. Therefore, the proposed development does not meet this standard.

Medium high density residential should be located near the intersection of two 100 foot wide or larger streets, with access to transit services and nearby neighborhood shopping facilities.

Using the two largest intersecting streets which abut this proposal, North 5th Street is a

100-foot right-of-way and Deer Springs Way is an 80-foot right-of-way. Therefore, this standard has not been satisfied.

Medium high density residential should not be permitted where it will be bordered on more than two sides by existing or planned lower density single family residential developments.

This site is bordered on three sides by Medium Density Residential. Therefore, this proposal does not satisfy this standard.

No parcel under eight acres should be considered for development as medium high density residential.

This site is comprised of two parcels which total approximately 19.5 acres.

Buildings over two stories high should not be permitted. Buildings higher than one story should not be permitted within 100 feet of areas developed or planned for lower density residential developments.

The applicant states in the letter of intent that no buildings would be higher than two stories, but it is not clear whether or not the 100-foot separation requirement would be satisfied.

No single family development should be permitted in the areas designated for medium high density residential.

The applicant is proposing a multi-family apartment complex.

Development at densities over the mid-point of the range should only be allowed if the developer has demonstrated an extraordinary level of on-site amenities. All developments must provide an adequate amount of on-site amenities to serve the population of the development.

As described in the letter of intent and with the proposed density, this standard would not be satisfied.

A density bonus of 25% may be granted for housing which is reserved for senior citizen and/or assisted living. To qualify for the density bonus, the entire development must be reserved for senior and/or assisted living dwellings through restrictive covenants for a period of at least 25 years.

The applicant has not indicated that this complex would be for senior and/or assisted living dwellings.

This concludes the Comprehensive Plan guideline analysis for the proposed development.

SUMMARY:

The Fire Department recommends that these items be denied. Section 16.04.090 of the Subdivision Ordinance states, "the Planning Commission does not have the authority to make decisions contrary to generally known engineering practices and life-safety standards, or in conflict

with adopted ordinances.” One of the primary concerns of the Fire Department is the public’s safety and level of available services. Please refer to the attached memorandum from the Fire Department dated July 26, 2000, for more information.

Because the applicant has not demonstrated any justifiable reasons to increase the density limitations and zoning for this site, and based on the Planning Commission’s and City Council’s denial of a similar application within 660± feet of this site, the Development Services Department recommends that both of these applications be denied.

RECOMMENDATION:

Based on concerns of the Planning Division and the Fire Department, and the applicant’s inability to provide any compelling reasons to increase the allowable density for this site, and because the lack of emergency services in this area at this time could jeopardize its residents’ general health, safety and welfare, the Development Services Department recommends that these applications be denied. Furthermore, the applications, as proposed, do not meet the criteria outlined in the North Las Vegas Municipal Code nor in the Comprehensive Plan.

Therefore, the Development Services Department recommends that AMP-16-00 and ZN-21-00 be denied.

Prior to the Planning Commission meeting of September 27, 2000 the applicant requested the item be withdrawn.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to WITHDRAW AMP-16-00 per applicant’s request.

The motion carried by UNANIMOUS vote.

This item is WITHDRAWN.

29) ZN-21-00 (2162) DEER SPRINGS/NO 5TH APARTMENT (Public Hearing)

An application submitted by Unlimited Holdings on behalf of Jerome Snyder, et. al., property owner, for reclassification of property from an R-E Ranch Estates District to an R-3 Multi-Family Residential District. The property is generally located at the northwest corner of N. 5th Street and

Deer Springs Way. The Assessor's Parcel Numbers are 124-22-601-004 and 124-22-601-005.

ANALYSIS:

The City of North Las Vegas Comprehensive Plan currently identifies this area to be developed with a density of 4.5 - 10 dwelling units per acre. The reason for the medium density classification is because of the lack of infrastructure and services in these areas at this time. The Comprehensive Plan land use designation for this parcel is MDR, Medium Density Residential. The proposed development would increase the overall density of this site by at least eight (8) dwelling units per acre.

Nevada Revised Statute 278.250(2) reads, "The zoning regulations must be adopted in accordance with the master plan for land use..." In this case, the applicant is proposing to change the "master plan" so it could accommodate the zone change request.

The Comprehensive Plan is very specific in outlining criteria that must be considered prior to a change of the adopted plan. The following excerpts from the North Las Vegas Comprehensive Plan are relevant to these proposals:

4.1.5(a) Land Use Principles

- (1) Promote a diversity of residential types, sizes and densities throughout the City. Additionally, special efforts should be made to attract custom-type, higher end housing to the community. The newly developing residential areas in North Las Vegas should not become the repository of small lot, single-family development.

This proposal identifies multi-family apartment housing. North Las Vegas currently provides approximately 75% of the Valley's affordable housing, which can typically be found within apartment complexes. This development does not identify any custom-type, higher end housing options and, therefore, does not meet this standard.

2. While committed to the principle of affordable housing, the City of North Las Vegas should not continue to provide a disproportionate share of the Las Vegas Metropolitan Area's affordable housing stock.

As mentioned above, this proposal does not identify any housing options which support this standard.

3. Develop a Land Use Plan that continues to promote economic development of North Las Vegas and maximizes the City's growth potential.

The existing land use designation takes into consideration higher density residential developments and to deviate from that plan at this time could jeopardize this standard.

4. Locate multi-family residential land uses in areas with sufficient arterial street access, existing infrastructure, and as compatible uses and transitions between lower density residential and commercial uses.

The area immediately south of this site is designated as Medium High Density Residential. This site is designated as Medium Density Residential because of the planned progression of more intensive land uses and because of the projected housing needs in North Las Vegas - as determined by the Comprehensive Plan.

5. Coordinate future land development with public utility placement, road capacity, adjacent land use and community priorities as established in the North Las Vegas Comprehensive Plan.

In order for this proposal to be coordinated with public utility placement, road capacity and community priorities, it would need to be considered after the beltway is constructed or after contiguous development abuts this site. Until such time, it would not meet the City of North Las Vegas' goals and top priorities of "Planned and Quality Growth" and "Financially Sound City Government Providing High Quality, Responsive Services."

4.1.6 Land Use Implementation Guidelines

A) Residential Land Use Guidelines

6. **Medium High Density Residential** (8 - 13 dwelling units per acre)

Purpose

The medium high density residential designation is for the purpose of providing lower density multiple family development. The density and scale of development should be compatible with adjacent and nearby residential uses.

The proposed project would provide for a density of 18.05+ dwelling units per acre on a parcel approximately 19.5 acres in size. The proposed density would even exceed the maximum allowable density for the High Density Residential classification. Adjacent to the south, the Comprehensive Plan identifies approximately 20 acres of Medium High Density Residential. Adjacent to the north, east and west is Medium Density Residential. Although the requested Medium High Density Residential is compatible with the adjacent uses, it would increase the allocated area for Medium High Density Residential. Perhaps more importantly, it would decrease the allocated area for future Medium Density Residential development. Therefore, the proposed increase in density and scale of development does not satisfy the purpose of this standard.

Guidelines

New medium high density residential should only be considered where City services can be provided without adverse impacts on other already developed areas. Availability of public services and facilities should be taken into account before allowing development.

At this time, this proposal could not be developed without creating an adverse impact on existing City services. The location is the primary prohibitive factor. There will be a day

when the City of North Las Vegas can provide utility and emergency services for the proposed increase in density in this area, but not at this time. Therefore, the proposed development does not meet this standard.

Medium high density residential should be located near the intersection of two 100 foot wide or larger streets, with access to transit services and nearby neighborhood shopping facilities.

Using the two largest intersecting streets which about this proposal, North 5th Street is a 100-foot right-of-way and Deer Springs Way is an 80-foot right-of-way. Therefore, this standard has not been satisfied.

Medium high density residential should not be permitted where it will be bordered on more than two sides by existing or planned lower density single family residential developments.

This site is bordered on three sides by Medium Density Residential. Therefore, this proposal does not satisfy this standard.

No parcel under eight acres should be considered for development as medium high density residential.

This site is comprised of two parcels which total approximately 19.5 acres.

Buildings over two stories high should not be permitted. Buildings higher than one story should not be permitted within 100 feet of areas developed or planned for lower density residential developments.

The applicant states in the letter of intent that no buildings would be higher than two stories, but it is not clear whether or not the 100-foot separation requirement would be satisfied.

No single family development should be permitted in the areas designated for medium high density residential.

The applicant is proposing a multi-family apartment complex.

Development at densities over the mid-point of the range should only be allowed if the developer has demonstrated an extraordinary level of on-site amenities. All developments must provide an adequate amount of on-site amenities to serve the population of the development.

As described in the letter of intent and with the proposed density, this standard would not be satisfied.

A density bonus of 25% may be granted for housing which is reserved for senior citizen and/or assisted living. To qualify for the density bonus, the entire development must be reserved for senior and/or assisted living dwellings through restrictive covenants for a period of at least 25 years.

The applicant has not indicated that this complex would be for senior and/or assisted living dwellings.

This concludes the Comprehensive Plan guideline analysis for the proposed development.

SUMMARY:

The Fire Department recommends that these items be denied. Section 16.04.090 of the Subdivision Ordinance states, "the Planning Commission does not have the authority to make decisions contrary to generally known engineering practices and life-safety standards, or in conflict with adopted ordinances." One of the primary concerns of the Fire Department is the public's safety and level of available services. Please refer to the attached memorandum from the Fire Department dated July 26, 2000, for more information.

Because the applicant has not demonstrated any justifiable reasons to increase the density limitations and zoning for this site, and based on the Planning Commission's and City Council's denial of a similar application within 660± feet of this site, the Development Services Department recommends that both of these applications be denied.

RECOMMENDATION:

Based on concerns of the Planning Division and the Fire Department, and the applicant's inability to provide any compelling reasons to increase the allowable density for this site, and because the lack of emergency services in this area at this time could jeopardize its residents' general health, safety and welfare, the Development Services Department recommends that these applications be denied. Furthermore, the applications, as proposed, do not meet the criteria outlined in the North Las Vegas Municipal Code nor in the Comprehensive Plan.

Therefore, the Development Services Department recommends that AMP-16-00 and ZN-21-00 be denied.

Prior to the Planning Commission meeting of September 27, 2000 the applicant requested the item be withdrawn.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to WITHDRAW ZN-21-00 per applicant's request.

The motion carried by UNANIMOUS vote.

This item is WITHDRAWN.

30) VAC-11-00 (1935) VICTORY OVATIONS II (Public Hearing)

An application submitted by Greystone Homes on behalf of the City of North Las Vegas, property

owners, for a vacation of 60 feet of Colton Avenue commencing approximately 400 feet west of Belmont Street and proceeding west approximately 60 feet. The property is generally located at the southwest corner of Gowan Road and Belmont Street. The Assessor's Parcel Number is 139-12-303-002.

ANALYSIS:

This portion of Colton Avenue is shown on the Master Plan of Streets and Highways as a 60-foot right-of-way. Therefore, an amendment to the Master Plan of Street and Highways is required to remove that portion of Colton Avenue.

Applications (AMP-9-00 & VAC-10-00) submitted by the City of North Las Vegas to remove and vacate a portion of Colton Avenue commencing at Belmont Street and extending west 398.50 feet was pending Planning Commission approval. The portion of Colton Avenue in question is not included as part of that amendment or vacation.

Sprint has submitted a letter indicating they have no objection to the vacation as presented provided that any telephone facilities found to interfere with any construction or removal in the subject area will be relocated at the owner's expense.

RECOMMENDATION:

The Development Services Department recommends that VAC-11-00 be approved subject to the condition listed below and that this item be forwarded to the City Council for final consideration.

- g. That an amendment to the Master Plan of Streets and Highways is required to remove that portion of Colton Avenue commencing 398.50 feet west of Belmont Street.

This application was presented by Mary Aldava, Planning Associate, on behalf of staff who indicated that staff is recommending approval of this item.

Edwin Mack, Carter & Burgess Engineering, 6655 Bermuda Road, Las Vegas, Nevada 89119 appeared on behalf of applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE VAC-11-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

31) T-850 (2164) PEARL HOMES ESTATES

An application submitted by James C. Smith on behalf of Ken Wong, property owner, for a tentative map review in an R-E Ranch Estates District (pending reclassification to R-1 Single-Family Residential District). The property is generally located at the southwest corner of Ferrell Street and Verde Way. The Assessor's Parcel Number is 124-32-401-003.

ANALYSIS:

The tentative map, T-736, was in the stages of final map approval when it expired. The applicant has submitted the same tentative map for approval. The Department of Public Works has indicated "the project improvement plans have been approved and permits issued on this project. This project is under construction now. The developer has installed curb and gutter, built the pads, installed utilities and put in Type I aggregate base in preparation for asphalt pavements on the streets."

The proposed lot sizes were acceptable when the subdivision was approved under T-736, because the tentative map was approved prior to the adoption of the required minimum lot size of 6,000 square feet in an R-1 district. The proposed tentative map will need to meet the current minimum lot size requirements in an R-1 district.

The proposed tentative map would include 10 feet of landscaping next to La Madre Way and Verde Way with a 5-foot meandering sidewalk within the landscaped area. As part of the T-736 approval, the Planning Commission at their meeting on October 13, 1999, placed a condition that the landscaping adjacent to the perimeter walls could be included within a 10-foot lot easement along La Madre Way and Verde Way. That way, the size of the lot would not be affected. The Single Family Design Standards state that 15 feet of perimeter landscaping is required (which may include sidewalks) and that it be maintained by a homeowner's association. Therefore, the perimeter landscaping will need to be included as a common element on the tentative map and not included as a lot easement.

The proposed development does not comply with the current Zoning Ordinance.

RECOMMENDATION:

The Development Services Department recommends that T-850 be continued indefinitely to allow the applicant time to submit a revised tentative map addressing all issues outlined in the analysis section. State Statutes require the Planning Commission to act within 45 days, otherwise the tentative map would be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-850 be denied.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff.

James Smith, 5160 S. Eastern Ave. Las Vegas, Nevada appeared on behalf of the property owner. Mr. Smith stated that he requesting approval of the Tentative Map.

Commissioner Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE T-850 per staff's original conditions.

The motion carried by UNANIMOUS vote.

33) ZOA-13-00 (1952) CITY OF NORTH LAS VEGAS (Public Hearing)

An ordinance amendment initiated by the City of North Las Vegas to Section 16.08.85 of Title 16 of the North Las Vegas Municipal Code by adding the definition of curvilinear streets and clarifying the language in Section 16.20.050 of Title 16 of the North Las Vegas Municipal Code relative to street curvature.

As you will recall, several months ago the Commission denied a tentative map application because of a street that was insufficiently curvilinear. The tentative map was appealed to the Council, which directed staff to devise a definition of curvilinear, so there could be no doubt about what would be the minimum standard. The proposed minimum requirement is for 40 feet of deviation of streets that exceed a length of 500 feet. This requirement would encourage shorter straight streets and curvilinear long streets to achieve the goal of slowing traffic and providing a more aesthetically pleasing streetscape.

Title 16 Amendments

New definition:

16.20.050 Street Pattern.

The street pattern shall be related to a plan for the most advantageous development of the subdivision as well as adjoining areas and the entire neighborhood or district and shall conform to the natural contour of the land. However, in order to discourage through traffic and high traffic speeds and to increase the salability and stability of the subdivision by preventing monotonous development, local residential streets **shall be curvilinear rather than straight, whenever possible.**

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

Brad Burns 3600 N. Rancho Dr. Las Vegas, Nevada

Terry Connelly 500 Pilot Road Unit G Las Vegas, Nevada 89119

Mr. Connelly stated that he would like to spend some time discussing the concepts having to do with this item.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to CONTINUE ZOA-13-00 to the October 25, 2000 Planning Commission meeting per staff's recommendations.

The motion carried by UNANIMOUS vote.

This item is CONTINUED to 10/25/00.

36) T-851 (2294) LAGUNA PARK

An application submitted by The Helmer Company, property owner, for a tentative map review in an O-L Open Land District (proposed R-1 Single-Family Residential District). The property is generally located at the northeast corner of Whitestone Drive and Hammer Lane. The Assessor's Parcel Number is 124-33-101-002.

ANALYSIS:

Hammer Lane does not extend to the east or west of this development. The tentative map submitted indicates that Laguna Park Drive is the only access provided. Laguna Park Drive is proposed to begin at Ann Road, a 100-foot arterial, and extend directly south through a future commercial development and proceed into the residential subdivision. The Development Services Department has concerns with this proposed residential subdivision having access off a future commercial development. In the future, traffic generated from the commercial development may use this residential subdivision as an alternate rout in order to avoid Ann Road.

The Fire Department recommends that this item be continued to allow the applicant time to address all issues. The Fire Department has raised concerns regarding the following: a secondary access to the subdivision is not provided; a secondary water source is not indicated; all radii less than 21 feet need to meet the minimum; and Hammer will need to be marked as a Fire Lane with red curbs and property signs until such time as it is fully improved. A minimum of 32 feet would be required in order to allow parking on the street. For information please see Fire Department memorandum attached.

RECOMMENDATION:

The Development Services Department recommends that T-851 be continued indefinitely to allow the applicant time to submit a revised tentative map addressing the concerns outlined in the analysis section. State Statutes require the Planning Commission to act within 45 days, otherwise the tentative map would be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-851 be denied.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff.

Gary Lee, 2920 N. Green Valley Parkway, Henderson, Nevada appeared on behalf of applicant.

Commissioner Anita Wood asked applicant to confirm which if he is proposing a temporary access.

Mr. Lee stated that he is proposing a permanent access.

Tom Bell, Director of Development Services, stated that staff would prefer to not have the access which applicant is proposing. He further stated that he he believes there needs to be two entrances into the subdivision as secondary access is needed.

Steve Baxter, Planning Manager, stated that the alternative to one access from Hammner and one from Ann Road would be to have two accesses on Hammer.

Commissioner Anita Wood stated that she does not mind the two accesses on Hammer as long as it is temporary. She stated as Hammer develops, she believes that Laguna Park Drive needs to be gone.

Steve Baxter, Planning Manager, stated that there are guidelines that state that commercial traffic should not go through residential areas.

Commissioner Laura Perkins asked the applicant if there is a secondary access to this subdivision.

Mr. Lee stated that there is a secondary access on Hammer.

Commissioner Perkins asked Mr. Lee to clarify if Hammer was there currently.

Mr. Lee stated that he will be required to construct Hammer to the east or west depending on how it works out.

Commissioner Harry Shull stated that he is acquiring nine acres and have it mapped for 41 lots which is about to be finalized. He stated that he will be bringing Hammer in up to Mr. Lee's property line.

Commissioner Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE T-851 subject to improvements to Ann Road as required by the Director of Public Works.

The motion carried by MAJORITY vote.

PUBLIC FORUM

This is the portion of the meeting devoted to the public. After completing and submitting a blue card, the public is invited to come forward upon recognition by the Chairman and speak upon any topic. Usually items received under this heading are referred to the appropriate City staff for action at a later date.

No members of the public came forward.

DIRECTOR'S BUSINESS: None

CHAIRMAN BUSINESS: Chairman Nelson Stone asked about speaking time limits. Commissioner Anita Wood stated that she was of the understanding that the Planning Commission would be voting on this issue.

ADJOURNMENT: 11:57 p.m.

A motion to ADJOURN the September 27, 2000 meeting of the Planning Commission of the City of North Las Vegas was made by Commissioner Nelson Stone. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary