

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

June 27, 2001

CALL TO ORDER:

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

ROLL CALL:

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

STAFF PRESENT:

Tom Bell, Development Services Director
Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Chris Melendrez, Associate Planner
Lenny Badger, Public Works
Madeleine Jabbour, Transportation Services
Steven DiGiovanni, Fire Department
Jim Lewis, Deputy City Attorney
Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE

Commissioner Anita Wood

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 June 13, 2001.

Vice-Chairman Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE the minutes of the June 13, 2001 Planning Commission Meeting.

The motion carried by UNANIMOUS vote.

CONSENT AGENDA

A) PW-59-01 (4577) NORTHERN VISTAS

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Millennium Development and accept the Performance Bond in the amount of \$114,941.15.

B) PW-60-01 (4578) COBBLESTONE COVE, UNIT 2

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by D.R. Horton, Inc. and accept the Performance Bond in the amount of \$266,620.04.

C) PW-61-01 (4579) COBBLESTONE COVE, UNIT 1

Approve the Final Map and the Subdivision Off-site Improvements Agreement by D.R. Horton, Inc. and accept the Performance Bond in the amount of \$818,984.33.

D) PW-62-01 (4580) TIERRA DE LAS PALMAS VILLAGE 3, UNIT 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to release the Subdivision Bond in the amount of \$339,455.05.

E) PW-63-01 (4581) CREEKSIDE ONE UNIT 1

Approve the Final Map and the Subdivision Off-site Improvements Agreement by Centex Homes and accept the Subdivision Bond in the amount of \$891,500.50.

F) PW-64-01 (4584) CREEKSIDE ONE UNIT 2

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Centex Homes and accept the Subdivision Bond in the amount of \$1,216,955.30.

G)PW-65-01 (4585) LAGUNA PARK UNIT 1

Approve the Final Map and the Subdivision Off-site Improvements Agreement by Richmond American Homes of Nevada and accept the Subdivision Bond in the amount of \$513,744.99.

H) PW-66-01 (4586) LAGUNA PARK UNIT 2

Approve the Final Map and the Subdivision Off-site Improvements Agreement by Richmond American Homes of Nevada and accept the Subdivision Bond in the amount of \$274,440.49.

I) PW-67-01 (4587) SUNFLOWER UNIT 4

Approve the Final Map and the Subdivision Off-site Improvements Agreement by Sunflower Estates LLC and accept the Letter of Credit in the amount of \$157,304.46.

J) PW-68-01 (4588) AUTUMN CHASE-FUTURE CHANNEL

Approve the Commercial Developments Off-site Improvements Agreement by Temple Development Corporation and accept the Subdivision Bond in the amount of \$251,486.40.

K) PW-69-01 (4589) AUTUMN CHASE

Approve the Final Map and the Subdivision Off-site Improvements Agreement by Temple Development Corporation and accept the Subdivision Bond in the amount of \$506,895.66.

L) PW-70-01 (4627) SANTA FE VILLAGE II, PHASE 3

Accept the off-site improvements for maintenance and advise the Director of Public Works to release the Subdivision Bond in the amount of \$221,022.00.

Item A (PW-59-01 NORTHERN VISTAS) has been continued to 7/11/01.

Commissioner Laura Perkins MOVED and Commissioner Anita Wood SECONDED to APPROVE Consent Agenda Items B through L.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) UN-52-01 (4375) CYCLOP AUTOMOTIVE (Public Hearing)

An application submitted by George Petculescu on behalf of Charles Hecht, property owner, for a use permit in an M-2 General Industrial District to allow an automotive service and repair facility. The property is located at 4130 Losee Road. The Assessor's Parcel Number is 139-01-401-004.

RECOMMENDATION:

The Development Services Department recommends that UN-52-01 be continued in order for the concerns of the Fire Department to be resolved.

However, if the Planning Commission should choose to act favorably upon this item at this time, staff recommends the following conditions:

1. Standard Conditions: 10, 11 & 12.
2. That the applicant receive a Hazardous Materials Permit from the State of Nevada.
3. That the applicant must demonstrate the adequacy of the fire protection systems including but not limited to sprinkler systems, access lanes and hydrant distribution.
4. That the applicant must obtain a Fire Department permit for the paint spray booth.
5. That all on-site repairs shall be performed within a building.
6. That all vehicles awaiting repair shall be stored within the confines of a 100% opaque masonry screen wall.
7. That all conditions mentioned herein be satisfied prior to the application of a business license for the automobile repair operation.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated there are some unresolved issues with this item, however if the Planning Commission decided to approve this item, staff has listed conditions.

George Petculescu, 4130 Losee Road, North Las Vegas, Nevada 89030 appeared on behalf of the applicant.

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

Commissioner Anita Wood asked staff to explain to the applicant what the concerns are regarding restricting the view of the trash enclosure and the gate.

Mr. Melendrez stated that according to the Design Standards all operations that would take place inside of an auto service facility are to be screened by an opaque screen wall or in the case where there is a gate, it would have to be 100% opaque steel gate. He stated with regards to the trash enclosure, the requirements are that a steel gate be provided to close out the trash enclosure and that enclosure be roofed in the instance it is visible from a public right-of-way, and in this case it is highly visible from Losee Road.

Mr. Petculescu stated the trash enclosure is eight (8) feet high and the dumpster is six (6) feet high and therefore it is almost impossible for anyone to see it from anywhere as it is enclosed completed.

Commissioner Wood stated she was able to see it when she visited the site. She stated he realized that there is an enclosure that goes along the back and sides, but nothing is obscuring the view of the front.

Mr. Petculescu stated he had a gate installed two days ago at the request of the Fire Department. He stated he was advised to put up a chain link fence and he did so. He stated that after he put up the chain link fence the Fire Department now wants a steel gate and he does not understand why he was not instructed to put up a steel gate at first.

Steve DiGiovanni, of the Fire Department, stated the only gates the Fire Department regulates are gates that go across fire access lanes. He stated he does not remember making a decision on the gates on this site.

Commissioner Wood stated to Chairman Stone that staff is recommending a continuance of this item as there appear to be some additional issues that are causing some concern and confusion for the applicant and she recommended this item be continued to allow the applicant time to address these issues.

Mr. Petculescu stated he has a problem with a continuance as he is paying rent for a property which he cannot operate.

Commissioner Wood stated the Fire Department has been recommending a continuance on this item until such time the applicant proves that the fire sprinklers and the fire protection devices on the building are adequate for the intended use.

Mr. Petculescu asked Mr. DiGiovanni to specify why the Fire Department is recommending a continuance.

Mr. DiGiovanni stated that the applicant may not go into an existing building with a use permit and try to place a hazard within that building which the building systems cannot protect. He stated that anytime there is a change in use, particularly with a special use permit the Fire Department requires an inspection of the building and he is not aware of any inspection that has taken place at this building. He stated he is willing to meet with the applicant to explain this further to ensure the building the applicant is going into can handle the intended use.

Commissioner Wood recommended this item be continued for two (2) weeks.

Commissioner Anita Wood MOVED and Vice-Chairman Tom Langford SECONDED to CONTINUE UN-52-01per staff's recommendations to the 7/11/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 7/11/01.

2) UN-53-01 (4394) NORTH LAS VEGAS HOSPITAL (Public Hearing)

An application submitted by UHS of Delaware, Inc. on behalf of Stimson Enterprises, Inc., property owner, for a use permit in a C-2 General Commercial District to allow a hospital. The property is generally located at the northwest corner of Commerce Street and Craig Road. The Assessor's Parcel Numbers are 139-03-201-004, 139-03-201-005, and 139-03-201-006.

RECOMMENDATION:

The Development Services Department recommends that UN-53-01 be approved subject to the following conditions:

8. Standard Conditions: 4, 6, 8, 10, and 12.
9. That a landscape inventory be conducted and submitted for review and approval by staff prior to the issuance of any building or grading permits. Such inventory shall include a site map showing the type, size and location of all mature trees (trees with diameter of 6" or greater when measured 4' above the ground). The inventory should be submitted with the landscape plans and show how the existing trees, with the exception of the Tamarisk, will be utilized within the new development.
10. The applicant submit written proof for review and approval by staff that the proposal meets all state and county regulations prior to the application of a building permit.
11. That the applicant demonstrate that a minimum of twenty-four (24) percent of the net lot area shall be provided in open space by submitting a site plan with open space calculations.
 - A. A minimum of three-fourths of the total open space requirement shall be provided as frontage open space to provide a setting for the building, visual continuity within the community and a variety of spaces in the streetscape. The frontage open space shall not be required to exceed fifty (50) square feet per one foot of public street frontage and shall not be less than thirty (30) square feet per one foot of public street frontage.
 - B. The remainder of the required open space shall be provided in common open space.
12. Yards. When the height of the building exceeds fifty (50) feet the following yard requirements shall apply.
 - A. Side Yard
 1. A side yard of not less than one hundred (100) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The one hundred (100) feet may include the width of the alley.
 2. A side yard of not less than seventy-five (75) feet shall be maintained where the side lot abuts a multiple-family residential district. The seventy-five (75) feet may include any alley adjacent to the multiple-family residential district.
 - B. Rear Yard.
 1. A rear yard of not less than one hundred (100) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The one hundred (100) feet may include the width of the alley.

2. A rear yard of not less than seventy-five (75) feet shall be maintained where the rear lot abuts a multiple-family residential district or abuts an alley which is adjacent to the multiple-family residential district. The seventy-five (75) feet may include the width of the alley.
6. That a reversionary map or merger and resubdivision parcel map is required to combine all lots.
7. That a traffic study by a Nevada Registered Engineer is required.
8. That Right-of-way for a bus turn-out must be provided on Craig Road west of Commerce Street.
9. That the driveway on Craig Road must be located a minimum of 660 feet from the Craig Road /Commerce Street intersection.
10. That the western driveway on Craig Road must align with the existing drive aisle.

The application was presented by Chris Melendrez, Associate Planner, who indicated the applicant has requested this item be continued for two (2) weeks.

Chairman Nelson Stone opened the Public Hearing. He stated the Public Hearing shall remain open until such time as this item is heard.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 7/25/01.

Commissioner Harry Shull **MOVED** and Commissioner Laura Perkins **SECONDED** to **CONTINUE UN-53-01** to 7/25/01 per staff's recommendations.

The motion carried by **UNANIMOUS** vote.

The item is CONTINUED to 07/25/01.

3) UN-54-01 (4418) SPRINT PCS (Public Hearing)

An application submitted by Sprint PCS on behalf of Chris Hickey and Glen Hickey, Sr., property owners, for a use permit in an M-1 Business Park Industrial District to allow a cellular communications facility with a 63 foot high cellular tower. The property is generally located approximately 476 feet south of Craig Road and approximately 243 feet east of Pecos Road. The Assessor's Parcel Number is 140-06-316-004.

RECOMMENDATION:

The Development Services Department recommends that UN-54-01 be approved subject to the following conditions:

1. Standard condition numbers: 4, 8, 10, 11 and 12.
2. The maximum height of the tower shall not exceed 63 feet.
3. The tower shall be a monopole design.
4. The tower shall be painted desert tan.
5. Co-location shall be permitted by others at competitive rates.
6. Paved access is required to the site.
7. Those areas inside the lot which accept vehicles of any kind must be paved and barriers placed along the edge of pavement to prevent vehicles from driving onto unpaved areas.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending approval of this item. Mr. Jordan also stated that a petition has been submitted by those opposed to this project.

Dan Davis, 7380 W. Russell Road Suite 100, Las Vegas, Nevada 89113 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

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

- ▶ Chriselle McMahan, 4300 N. Pecos Road #16 and #17, Las Vegas, Nevada 89115

Ms. McMahan stated she is a property owner in this area and opposes this project as it is directly behind her property and does not feel it is necessary in the area.

- ▶ Richard Ousley, 4300 N. Pecos Road, North Las Vegas, Nevada 89115

Mr. Ousley stated he opposes this project as he does not want to see a cellular tower in his backyard. He also stated he has some problems with the property owner, Mr. Hickey as Mr. Hickey has not maintained other nearby property he owns.

The Public Hearing was closed.

Mr. Davis addressed the comments the public had made. He stated this cellular tower is being placed as far back on the property as possible to minimize the visual impact. He stated the tower sits on a parcel which is zoned M-1, surrounded by four (4) other M-1 parcels, which he feels is the best place (where zoning is concerned) to locate a tower.

Mr. Davis stated, with regards to off-site issues with Mr. Hickey, that he has no control of the owner and his actions off-site.

Commissioner Marilyn Kirkpatrick asked the applicant about some issues where the business owners were not sure who the contract for the tower was signed with relative to ownership of the property.

Mr. Davis replied that the contract was signed with Mr. Hickey.

Commissioner Kirkpatrick suggested the applicant explain in greater detail how all this works to the business owners so as to relieve some confusion.

Commissioner Harry Shull asked staff if this subdivision is improved as some of those in opposition to this project have stated they are concerned about no paved access to this project.

Marc Jordan stated the Public Works Department has a condition on this project requiring they would have to provide paved access to this facility.

Vice-Chairman Tom Langford stated he believes the applicant got it right with this project.

Commissioner Anita Wood stated she believes this is a good project, however stated this is the first time where a cellular tower is being proposed for an industrial area accompanied with protests of the project. She feels the applicant should meet with the business owners to ease their minds about the project. In addition, she stated she is concerned whether the opposition to this project is actually against the cellular tower or the owner of the property.

Mr. Ousley stated he does have a problem with the owner of the property. His major concern is the tower is 63 feet tall. He stated there are several other cellular towers in the area and stated the applicant could colocate with those towers rather than place a new tower on this property. In addition, he stated, with regards to a paved access road, that there is a pending lawsuit and are currently litigating the matter as to whether or not all these parcels of land can be served by the strip of land that crosses his property.

Commissioner Wood stated she agrees with the limited access as she had difficulty locating it when she visited the site.

Chairman Nelson Stone stated he wished to remind the Planning Commission this is an application for a use permit for a cellular tower, not an evaluation of infrastructure of streets. This is not a forum to discuss lawsuits or any related issues.

Commissioner Laura Perkins stated she agrees with Vice-Chairman Tom Langford as she feels this is an appropriate site compared to some of those before the Planning Commission in the past.

Commissioner Marilyn Kirkpatrick MOVED and Vice-Chairman Tom Langford SECONDED to APPROVE UN-54-01 per staff's recommendations.

The motion carried by MAJORITY vote with Commissioner Anita Wood voting against the item.

4) UN-66-00 (4438) CHURCH OF CHRIST OF NORTH LAS VEGAS (Public Hearing)

An application submitted by the NLV Church of Christ, property owner, for an amendment to conditions of an approved use permit in an R-1 Single-Family Residential District. The property is located at 2626 Martin Luther King Boulevard. The Assessor's Parcel Number is 139-16-701-006.

RECOMMENDATION:

The Development Services Department recommends that Planning Commission uphold the decision of the City Council and that the request to amend condition #7 of UN-66-00 be denied.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item, as well as variance came before the Planning Commission in the recent past and both applications were denied. He stated the applicant appealed those items to the City Council and they were approved. He stated that part of the approval of the use permit they were required to comply with the Commercial Design Standards for the new portion of the building, as well as comply with those Commercial Design Standards for the roofing materials which faced Martin Luther King Boulevard. Mr. Jordan stated the applicant is requesting that condition be waived due to the fact that the applicant is indicating that the building, structurally, would not support that weight and because a portion of the building would still have asphalt shingle roofing materials and therefore it would not match.

Leo Gay, 1729 Woodward Heights Way, North Las Vegas, Nevada 89032 appeared on behalf of the applicant who stated it was suggested that he make the roof area that faces Martin Luther King Boulevard match the new Design Standards by using concrete tile. He stated that he learned that this building will not support concrete tile therefore he is seeking an amendment to the original conditions to ask to be allowed to proceed with the original design which was shingles.

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

Commissioner Marilyn Kirkpatrick asked the applicant if he had any proof stating that this building will not support concrete tiles.

Dennis Rusk, Architect for this project, 3960 E. Patrick Lane Suite 203, Las Vegas, Nevada 89120 appeared on behalf of the applicant who stated as the architect for this project he believes this building will not support concrete tile. He stated that there has been at least 12 code changes on this building since it has been built. He stated this roof was designed for code and structural elements 30 years ago and will not support today's loads.

Commissioner Kirkpatrick asked Mr. Rusk if he has submitted anything to staff supporting the issue that the building will not support the tiles.

Mr. Rusk stated he represented at the City Council meeting previously that this particular roof will not support concrete tile.

Chairman Stone stated he believes that a 30-year old building would have a problem supporting today's loads.

Commissioner Laura Perkins asked the applicant if there are any other materials that would give the look of the steel tile that are lighter that this roof may be able to support?

Mr. Rusk stated all the materials he researched so far would not meet the minimum standards.

Commissioner Harry Shull stated he agrees with the applicant that a 30-year old building would probably not support concrete tile. He stated that the front of the building is the main part of the building and he believes it would be too expensive to put concrete tile on this roof, therefore he does not have any objection to a waiver for this project.

Vice-Chairman Tom Langford stated this was before the Planning Commission in the past and the Commission rejected it. He stated the applicant appealed it to the City Council and the approved with the conditions listed. He believes this item should go back before the City Council.

Mr. Gay stated he asked for that and was told that he needs to appear before the Planning Commission first.

Commissioner Anita Wood stated she is concerned that this request is not only for an amendment to the existing, but also to carry it over to the new building, therefore she feels the Planning Commission was not involved in this as the condition placed on this project were placed there by the City Council and that is where any waiver should come from.

Commissioner Harry Shull stated he believes the Planning Commission could approve this item and save the applicant time. He feels it is a waste of time and energy to send it back to the City Council.

Commissioner Harry Shull MOVED to APPROVE UN-66-00 with the following change:

Delete Condition #7.

The motion to approve FAILED for lack of a SECOND.

Commissioner Anita Wood MOVED and Vice-Chairman Tom Langford SECONDED to DENY UN-66-00 per staff's recommendations and uphold the decision by City Council.

The motion carried by MAJORITY vote with Commissioner Harry Shull voting against the motion.

Items #5 AMP-16-01, #6 ZN-24-01, and #7 T-878 are related.

5) AMP-16-01 (4417) CENTENNIAL/REVERE (Public Hearing)

An application submitted by Real Homes/Centex Homes on behalf of Pearl Corporation, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to MDR Medium Density Residential. The property is generally located at the northeast corner of Centennial Parkway and Revere Street. The Assessor's Parcel Number is 124-22-401-001.

RECOMMENDATION:

The Development Services Department recommends that AMP-16-01 be approved to amend the Comprehensive Plan land use designation for the subject site to Medium Density Residential.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that according to the guidelines within the Comprehensive Plan the property should be located 2 100-foot wide or larger streets, which is in accordance with the Master Plan of Streets and Highways. He stated likewise the development to the north is a Parks development which is currently being developed with RCL development, the property to the south is under resolution of intent for smaller lot development and property to the west, which is part of the Eldorado area and which is under a development agreement can be developed with either RCL Commercial or possibly Multi-Family at this time, therefore staff is recommending approval of this request.

Dean Rasmussen, 3068 E. Sunset Road #9, Las Vegas, Nevada 89120 appeared on behalf of the 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.

Vice-Chairman Tom Langford stated he thinks this item should be continued as the related items following this item (#6, ZN-24-01 and #7 T-878) are recommended to be continued and he believes that all these items should be handled together.

Steve Baxter, Planning Manager, stated in staff's opinion, aside from the possible flaws of the zoning application, staff feels this application for the amendment to the Comprehensive Plan is appropriate.

Commissioner Anita Wood stated she is concerned that at least if this comes through with the zoning application the Planning Commission would have some idea of what the density is that the Planning Commission would be looking at, whereas if the Planning Commission approves the amendment to the Comprehensive Plan and the zoning is not as consistent, this could end up with a density of ten (10) by the time this is over.

Mr. Baxter stated that to continue this item is at the discretion of the Planning Commission, however he stated staff feels the density of 6-10 would still be appropriate in the area., yet the Planning Commission is free to tie the items together if it so chooses.

Commissioner Wood asked if staff has received any information from Eldorado as to what they want to build in the adjoining parcel. She stated she knows it is stated they can build either commercial or residential, compact lots.

Mr. Jordan stated that currently the applicant has an active tentative map on that parcel just to the west which is going to be Single-Family Residential development and he believes it is a continuation of that product which they have been selling so well which is probably a larger lot-type development.

Commissioner Harry Shull MOVED and Chairman Nelson Stone SECONDED to APPROVE AMP-16-01 per staff's recommendations.

The motion did not carry as it failed to gain a majority vote with Commissioners Laura Perkins, Anita Wood, Dean Leavitt and Vice-Chairman Tom Langford voting against the motion.

Commissioner Anita Wood MOVED and Vice-Chairman Tom Langford SECONDED to CONTINUE AMP-16-01 INDEFINITELY per staff's recommendations.

The item is CONTINUED INDEFINITELY.

Items #5 AMP-16-01, #6 ZN-24-01, and #7 T-878 are related.

6) ZN-24-01 (4416) CENTENNIAL AND REVERE (Public Hearing)

An application submitted by Real Homes/Centex Homes on behalf of Pearl Corporation, property owner, for reclassification of property from an R-E Ranch Estates District to a PUD Planned Unit Development District consisting of 274 single-family residential dwelling units. The property is generally located at the northeast corner of Centennial Parkway and Revere Street. The Assessor's Parcel Number is 124-22-401-001.

RECOMMENDATION:

The Development Services Department recommends that ZN-24-01 be denied because the Regional Flood Control Facility required next to Centennial Parkway could significantly alter the preliminary development plan, use of the drainage channel as useable open space has not been determined as feasible, and many of the lots proposed are less than 4,500 square feet in size as recommended by the Comprehensive Plan.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated there are a number of concerns for this project. One of the concerns is the Comprehensive Plan suggests that the lot size be 4,500 square feet and portions of this development would not be in compliance with that requirement. He stated that in addition there is a regional flood control facility that is required along Centennial Parkway which could require an additional right-of-way to be dedicated for the construction of that facility. He stated the applicant has submitted a revised preliminary development plan that is indicated that there be an underground box culvert within Centennial Parkway, but it has not been determined at this time whether that will work because there is also a gas line that runs along there and at this time the compatibility needs to be determined which may or may not work and if it does not work an additional right-of-way will be required which would significantly impact the preliminary development plan. Likewise, he stated the applicant is proposing to use a drainage channel that goes through the side as their open space and it has not been determined yet if that can be used as useable open space and if it can not be it would again significantly impact their development as they would have to redesign to comply with open space requirements, therefore staff's recommendation of this rezoning request is for denial.

Brad Burns, of Real Homes, 3600 N. Rancho Drive, Las Vegas, Nevada 89130 appeared on behalf of the applicant who stated the PUD, the zoning, is an opportunity to create an open space for the community. He stated he has developed a product that they hope to develop in this location, a project called Genoveve Court. He stated the PUD being a zoning specific and the fact in a PUD there are minimum requirements for open space and minimum requirements for density in the zoning he was willing the stipulate they would go to a maximum of seven (7) dwelling units per acre which would allow them to adjust according to the concerns of the regional flood control. Mr. Burns stated he has looked at that situation and believes they already have a resolution for that without having to change the plan. He stated he also concurs with what staff has asked them to do with reference to abandoning Kitimaya Street.

Dean Rasmussen, 3068 E. Sunset Road #9, Las Vegas, Nevada 89120 appeared on behalf of the applicant.

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

- ▶ Harry Ridge, 3017 Sunrise Bay Avenue, North Las Vegas, Nevada 89031

Mr. Ridge stated he supports this project as it has allowed him to establish the American Dream and hopes the Planning Commission will approve this project.

- ▶ Ellen Sulfarro, 3132 Inlet Bay Avenue, North Las Vegas, Nevada 89031

Mrs. Sulfarro stated she and her husband spent the last 14 years in California and were thrilled to find Genovese Court by Centex Homes and hopes the Planning Commission will approve this project.

- ▶ Joe Sulfarro, 3132 Inlet Bay Avenue, North Las Vegas, Nevada 89031

Mr. Sulfarro stated he thinks this is a good project for the City of North Las Vegas and its citizens.

- ▶ Joseph Settles, 3106 Inlet Bay Avenue, North Las Vegas, Nevada 89031

Mr. Settles stated he is a first-time home buyer and finding Centex was good for him and he hopes this project is approved.

- ▶ Jonathan and Jessica Trigilio 2912 Sunrise Bay Avenue, North Las Vegas, Nevada 89031

Mr. and Mrs. Trigilio feel this is a good project for young couples just starting out with their first home and encourage the Planning Commission to approve this project.

The Public Hearing was closed.

Commissioner Anita Wood stated the Planning Commission can place conditions on a rezoning, but not on an AMP (Amendment to the Comprehensive Plan) and as much as staff is supporting the AMP, she stated staff is recommending denial on the zoning and she stated the Planning Commission is looking to continue to zoning item to get these issues resolved and have all the items come before the Planning Commission together so that the Planning Commission knows that which they are voting on.

Vice-Chairman Tom Langford stated he would like to see a continuance in order to allow sufficient time for all issues regarding this item to be resolved.

Brad Burns stated he would welcome the Planning Commission's decision to continue this item in order to address unresolved issues related to this item.

Vice-Chairman Langford stated he appreciated the residents who appeared before the Planning Commission and commended them for getting involved.

Commissioner Anita Wood MOVED and Commissioner Laura Perkins SECONDED to CONTINUE ZN-24-01 INDEFINITELY per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

Items #5 AMP-16-01, #6 ZN-24-01, and #7 T-878 are related.

7) T-878 (4415) CENTENNIAL AND REVERE

An application submitted by Real Homes on behalf of Pearl Corporation, property owner, for a tentative map review in an R-E Single Family Residential District (pending Planned Unit Development {PUD} zoning) to allow 274 units of single family homes. The property is generally located northeast corner of Centennial Parkway and Revere Street. The Assessor's Parcel Number is 124-22-401-001.

RECOMMENDATION:

The Development Services Department recommends that T-878 be denied because there could be significant changes that would substantially alter the tentative map and many of the lots are not in conformance with the minimum lot size requirement established in the Comprehensive Plan.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated, based on the action taken on the previous two items (#5 AMP-16-01 and #6 ZN-24-01), he recommended that perhaps the Planning Commission would like to continue this item as was done with the previous two items.

Brad Burns, of Real Homes, 3600 N. Rancho Drive, Las Vegas, Nevada 89130 appeared on behalf of the applicant would stated he concurs with staff's recommendations.

Commissioner Anita Wood stated she is concerned about curvilinear streets and stated she has no problem with continuing this item as long as the applicant is in agreement.

Commissioner Anita Wood MOVED and Commissioner Marilyn Kirkpatrick SECONDED to CONTINUE T-878 INDEFINITELY per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

8) FDP-06-01 (4414) SIMMONS PROPERTIES LLC

An application submitted by Simmons Properties LLC, property owner, for a Final Development Plan review in an R-E Ranch Estates District (ROI to C-1 Neighborhood Commercial). The property is generally located at the southwest corner of Ann Road and Simmons Street. The Assessor's Parcel Number is 124-32-102-003.

RECOMMENDATION:

The Development Services Department recommends that FDP-06-01 be denied because the proposed final development plan does not satisfy the previously approved conditions established for this site.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 7/11/01.

Vice-Chairman Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE FDP-06-01 per.

The item is CONTINUED to 7/11/01.

**There was a break in the proceedings at 8:45 P.M.
The meeting reconvened at 8:58 P.M.**

OLD BUSINESS

9) AMP-09-01 (3803) MLK PLAZA SENIOR APARTMENTS (Public Hearing)

An application submitted by Lucchesi Galati Architects on behalf of Clark County, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Public/Semi-Public to HDR High Density Residential. The property is generally located at the northwest corner of Carey Avenue and Lexington Street. The Assessor's Parcel Number is 139-16-801-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-09-01 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-12-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Prior to the Planning Commission meeting, the applicant requested the item be withdrawn.

This item has been WITHDRAWN.

10) ZN-12-01 (3806) MLK PLAZA SENIOR APARTMENTS (Public Hearing)

An application submitted by Lucchesi Galati Architects, Inc. on behalf of Clark County, property owner, for reclassification of property from a C-1 Neighborhood Commercial District to an R-3 Multi-Family Residential District. The property is generally located at the northwest corner of Carey Avenue and Lexington Street. The Assessor's Parcel Number is 139-16-801-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-09-01 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-12-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Prior to the Planning Commission meeting, the applicant requested the item be withdrawn.

This item has been WITHDRAWN.

11) UN-42-01 (4080) WINCHELL PUB & GRILL (Public Hearing)

An application submitted by Ronald Winchell on behalf of the Winchell Family Trust, property owner, for a use permit in an R-E Ranch Estates District (ROI to 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 west of Simmons Street approximately 960 feet south of Ann Road. The Assessor's Parcel Number is 124-32-102-003.

This item was continued from the May 9, 2001, Planning Commission meeting at the request of the applicant and again on May 23, 2001.

On May 2, 2001, the City Council approved an amendment to condition number 30 on the Resolution of Intent (ROI 2139) which required the major anchor to be constructed prior to any pad development. Condition number 30 was amended as follows:

"No certificate of occupancy shall be issued for any pad or retail building until such time as the on and off-site improvements are substantially complete and 50% of the parking lot and appurtenances (landscape, curbing, etc.) are installed in accordance with a final site plan as approved by the Planning Commission. Further, developer shall provide a phasing plan of such partial parking lot improvements subject to the approval of staff."

Staff originally recommended denial because condition number 30 prohibited pad development first, a final development plan for the entire shopping center should first be reviewed and approved by the Planning Commission and because the site plan did not show the required parking.

According to the current site plan, the proposed restaurant/tavern has been shown as to how it would be situated within the entire shopping center. In addition, the proposed shopping center appears to be in general compliance with the resolution of intent and possibly the Commercial Design Standards. This however, would be reviewed in more detail when a final development plan is submitted. Likewise, if the applicant were to expand the parking for the proposed restaurant and tavern, then compliance with the parking requirements could be met.

The applicant has indicated that a revised floor plan would be submitted for Planning Commission review and approval. However, at this time such plan has not been submitted. Therefore, when the revised floor plan is submitted, it would be made available for the Planning Commission, and any appropriate conditions could be established if the Planning Commission determined that approval for the proposed use permit was warranted.

Likewise, because condition number 30 was amended, it would be possible for the Planning Commission to approve the proposed use permit should the Planning Commission determine that approval is warranted. The applicant however, would not be able to obtain a building permit until such time that a final development plan would be reviewed and approved by the Planning Commission and until compliance with all applicable conditions were met.

The applicant has filed an application for a final development plan (FDP-06-01) which is also on this agenda for Planning Commission consideration.

Therefore, if the Planning Commission were to determine that approval is warranted at this time, then staff recommends the following as conditions of approval:

1. Standard conditions: 1, 2, 3, 6, 7, 11, 15, 26 and 27.

2. Fiber optic conduit is required on the Ann Road and Simmons Street frontages.
3. Dedication of right-of-way is required for a flared intersection at Simmons Street and Ann Road.
4. Dedication of right-of-way is required for a bus turn-out at a location south of Ann Road on Simmons Street.
5. The applicant shall comply with all applicable conditions of approval for the Resolution of Intent 2139 (ZN-22-99) including revised condition number 30, prior to issuance of a building permit.
6. A final development shall be submitted for review and approval by the Planning Commission prior to the issuance of a building permit. Further, the applicant shall comply with all applicable conditions of approval prior to issuance of a building permit.
7. UN-42-01 shall be initiated and construction begun within six months of the date of this approval.
8. That proof be provided to the City that no other tavern is within 1,500 feet of this establishment. A distance illustration shall be prepared and stamped by a surveyor licensed in Nevada, and shall be provided prior to the application for a building permit.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item was originally submitted to the Planning Commission on May 9, 2001, but had been continued to allow some adjustments to be made to the resolution of intent. He stated those adjustments have been made and this item is now ready to proceed forward as it appears the applicant has complied with the Commercial Design Guidelines. Mr. Jordan stated as part of this site there is a final development plan that is required to be reviewed and approved by the Planning Commission, which was continued earlier, however he stated this item may still proceed forward with the Planning Commission's consideration. Mr. Jordan stated that according to the originally application, the applicant has revised the floor plan which in turn amended the footprint and therefore the applicant has revised building elevations to reflect that and staff is recommending approval of this item subject to eight (8) conditions and two (2) additional conditions which reflect the revised floor plan and building elevations and condition #10 reflects conditions that would add windows to the south side of this particular building.

Jennifer Lazovich, 3733 Howard Hughes Parkway Suite 290N, Las Vegas, Nevada 89109 appeared on behalf of the applicant who stated she concurs with staff's recommendations.

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

- ▶ Bill Nicewander, 4443 Sparkle Crest, North Las Vegas, Nevada 89031

Mr. Nicewander stated he opposes this project at this location as there are two other similar businesses is the same location and feels that a third bar is not necessary in this area.

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

Mr. Bruce stated he has no problem with a restaurant, however he does not want to see another establishment in this area that focuses on serving alcohol.

- ▶ Vicki Adams, 4443 Sparkle Crest Avenue, North Las Vegas, Nevada 89031

Ms. Adams stated she opposes this project as she does not want to see another bar when there already exist two (2) bars in this area.

The Public Hearing was closed.

Jennifer Lazovich stated that she has heard from several sources that there are not enough establishments in North Las Vegas where people can go to eat. She also stated that the restaurant portion of the business has 95 seats, whereas the bar has 50 seats.

Chairman Nelson Stone asked staff, since this is part of an overall, larger commercial site, is it the intent that this property would go in subsequent to the development of that overall site or is it “stand-alone.”

Marc Jordan stated this will be a stand-alone facility, however according to condition #30 on the resolution of intent there is a certain amount of improvements that the applicant needs to apply to this site prior to obtaining a building permit.

Vice-Chairman Tom Langford stated this is a nice property, yet he has a problem with this many bars in the same area and stated he is uncertain about which way he will vote.

Commissioner Anita Wood stated she agrees with Vice-Chairman Langford that she likes this project, however feels there are too many bars in the same area.

Commissioner Dean Leavitt stated he agrees and is struggling with a decision.

The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-42-01 per staff's recommendations subject to the following added conditions:

Condition #9 Added To Read: “That development of the proposed bar and grill shall comply with the revised floor plans and building elevations submitted on June 27, 2001.

Condition #10: Added to Read: “A minimum of two windows shall be incorporated into the design of the building on the south side. The windows shall be of the same design and size as the windows used elsewhere on the building.”

The motion carried by UNANIMOUS vote.

12) T-863 (3447) ELDORADO TENTATIVE MAP NO. 17

An application submitted by G.C. Wallace, Inc. on behalf of Pardee Construction Company, property owner, for a tentative map review in an Open Land District/Development Agreement. The property is generally located at the southeast corner of Clayton Street and Deer Springs Way. The Assessor's Parcel Numbers are 124-21-301-005 and 124-21-301-003.

(From the 1/24/01 Planning Commission meeting)

RECOMMENDATION:

The Development Services Department recommends that T-863 be approved subject to the following conditions:

1. That Standard Conditions 2, 3, 15, 16, 17, 18, 27 and 29 apply; and
2. That all lands, areas and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Construction Company dated December 10, 1988, or as amended.
3. Street names must be approved by the Fire Alarm Office and the Post Office.

RECOMMENDATION FOR THE 6/27/01 PLANNING COMMISSION MEETING:

This tentative map was originally scheduled for the January 24, 2001, Planning Commission meeting and was continued at the request of the applicant to revise the tentative map to add a park.

The proposed park is part of pending negotiations for a new development agreement for a 40-acre site located at the southwest corner of Tropical Parkway and Clayton Street in which the open space allocation would be located near the Seastrand Park. However, the size and location have not been determined and therefore staff recommended an indefinite continuance of the revised tentative map.

The applicant has requested that this tentative map be placed back on the Planning Commission schedule and furthermore, has requested that the original tentative map without the park be considered.

Staff originally recommended and still recommends approval of the original tentative map subject to three conditions which are listed on the attached staff report.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item was originally presented to the Planning Commission on January 24, 2001, but was continued at the request of the applicant to allow the applicant to revise their tentative map to include a park location. He stated since that park location has not been amended, according to the development agreement, the applicant has since gone back to the original application of just the residential development. Mr. Jordan stated that in that original staff report staff recommended approval of this item subject to three (3) conditions. He stated staff is still recommending approval subject to those three (3) conditions with the addition of a fourth (4th) condition which shall read: "a second means of access shall be provided to this development subject to review and approval by the Fire Department."

Wilma Locke, 1555 S. Rainbow Boulevard, Las Vegas, Nevada 89146 appeared on behalf of the applicant who stated she concurs with staff's recommendations with exception of condition #4. Ms. Locke stated she has a problem with this item for several reasons. The finished grade is not established and they have not determined the future layout both horizontal and vertical. She asked if secondary access had to be asphalt. She asked if this is in the UFC or is it an ordinance. She stated this would require the access over the Centennial channel to be built now locking them into horizontal and vertical geometry for the future tentative map. For alternatives, she wondered if they could dedicate the future right-of-way and build when the tentative map comes up. She asked if the condition may be altered with a stipulation that would guarantee them access at a later date.

Steve DiGiovanni, of the Fire Department, stated that Fire Department access must be asphalt, minimum of two (2) inches of AC, over six (6) inches of Type 2, with minimum width of 24 feet, which is in accordance with the North Las Vegas Fire Code which adopts the UFC. He stated the requirement for additional apparatus access lanes comes from the UFC, Section 902.

Chairman Nelson Stone MOVED and Vice-Chairman Tom Langford SECONDED to APPROVE T-863 per staff's recommendations with the addition of a new condition which reads:

Condition #4 Added to Read: "A second means of access shall be provided to this development, subject to review and approval by the Fire Department."

The motion carried by UNANIMOUS vote.

13) FDP-03-01 (4077) SUNRIDGE VILLAGE

An application submitted by NEVSUR Inc., property owner, for a final development plan review in an PUD Planned Unit Development District for a 176 unit apartment complex. The property is generally located approximately 330 feet north of Gowan Road and Commerce Street. The Assessor's Parcel Number is 139-10-201-010.

This item was originally scheduled for the May 9, 2001, Planning Commission meeting. At the meeting, staff recommended that this item be continued to allow the applicant time to submit elevations of the block wall next to Commerce Street and to submit specific details of all open space amenities.

The applicant was not present at the meeting, therefore, the Planning Commission continued this item indefinitely. The applicant has submitted a letter requesting that this item be placed back on the agenda for Planning Commission consideration. However, the applicant still has not submitted the items addressed above.

Therefore, staff recommends that this item be continued indefinitely to allow the applicant time to submit wall elevations and specific details of all open space amenities.

Prior to the Planning Commission meeting, the applicant requested the item be continued indefinitely.

Vice-Chairman Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE FDP-03-01 INDEFINITELY

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

PUBLIC FORUM

This is the portion of the meeting devoted to the public. After completing and submitting a yellow 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.

Mr. Kimak, 705 Anatolia Lane, Las Vegas, Nevada 89145 appeared before the Planning Commission to discuss Single-Family Design Guidelines.

DIRECTOR'S BUSINESS:

Steve Baxter, Planning Manager, spoke of a new law as of the last legislative session in 1999 regarding mobile home parks/subdivisions.

Mr. Baxter spoke of the issue of home occupations.

Mr. Baxter spoke of an amended ordinance to include a definition of a financial institution.

CHAIRMAN'S BUSINESS:

All the Planning Commissioners bid a fond farewell to outgoing Planning Commissioner Laura Perkins and thanked her for her service to the City of North Las Vegas. Commissioner Perkins was also asked to return to the next Planning Commission meeting on 7/11/01 for recognition of her service to the City.

ADJOURNMENT:

9:45 PM

A motion to ADJOURN the June 27, 2001 meeting of the Planning Commission of the City of North Las Vegas was made by Chairman Nelson Stone. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary