

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman
Marilyn Kirkpatrick
Dean Leavitt
Scott Albright

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

Harry Shull, Vice Chairman
Anita Wood
Tom Langford

September 26, 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
Marilyn Kirkpatrick - Present
Scott Albright - Present

STAFF PRESENT:

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 Scott Albright

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 12, 2001.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE the minutes of the September 12, 2001 Planning Commission Meeting.

The motion carried by MAJORITY vote with Commissioner Scott Albright abstaining as he was not present for the September 12, 2001 Planning Commission meeting.

CONSENT AGENDA

A) PW-121-01 (5206) OUTBACK STEAKHOUSE

Accept the Commercial Developments Off-Site Improvements Agreement by Outback Steakhouse of Florida, Inc. and accept the performance Bond in the amount of \$25,577.53.

B) PW-122-01 (5205) JOSE ESPARZA, RESIDENTIAL DEVELOPMENT

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Finance Department to release the Cash-in-Lieu of Bond deposit in the amount of \$9,184.65.

C) PW-123-01 (5204) CASA LINDA 15

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Insurance Company of the West to release the Subdivision Bond in the amount of \$960,627.39.

D) PW-106-01 (4977) HOMETOWN WEST 3

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Greystone Nevada, LLC and accept the Subdivision Bond in the amount of \$586,647.60.

E) RN-109-125-01 (5184) DEEDS OF DEDICATION

An application submitted by the City of North Las Vegas on behalf of various property owners for deeds of dedication and easements.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE Consent Agenda Items A through E.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

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

An application submitted by Verizon Wireless, 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) an 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 Avenue. The Assessor's Parcel Number is 124-30-701-003.

RECOMMENDATION:

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

1. That a eight-foot (8') 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.
2. That fifteen (15) feet of landscaping shall be provided along Allen Lane. The landscaping shall comply with the Single Family Design Standards.
3. That the applicant shall have 90 days to install the block wall and landscaping requirements. If these improvements are not installed within 90 days, a review by the Planning Commission shall be required. However, if the improvements are in place within 90 days an annual review will not be necessary.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item was approved in 1994 and at that time perimeter screening and landscaping requirements were not implemented. He stated there was an annual review required to monitor the area and as development expanded perimeter landscaping and a block wall would be required. He stated that last year, when this annual review was conducted, it was determined at that time that these item were needed, however it was Altel who was notified of the annual review, yet it is Verizon Wireless who owns the property and therefore they were not aware of the landscaping or block wall requirements. Mr. Jordan stated the applicant has agreed to provide these things, but they need 90 days to do so. Staff is recommending approval of this review. He stated, with regard to condition #3, the applicant is required to provide these improvements within 90 days and if they are provided there would be no more annual reviews required of this as that was the purpose of the annual review. If those improvements were not provided this item would be brought back after that 90 day period for the applicant to explain to the Commission.

Don Cape, 7351 W. Charleston Boulevard Suite 120, Las Vegas, Nevada 89117 appeared on behalf of the applicant who stated he concurs with staff's recommendations, however he stated he would like to have 180 days instead of 90 days, to allow enough time to comply with the requirements.

Chairman Nelson Stone asked Mr. Jordan what was staff's position with regard to the 180 day request.

Mr. Jordan replied that is at the discretion of the Planning Commission and staff does not have any objections to extending it to 180 days.

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

Chairman Stone stated he supports the extension from 90 days to 180 days.

Vice-Chairman Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-43-94 per staff's recommendations subject to the following changes:

Condition #3 Changed to Read: "That the applicant shall have 180 days to install the block wall and landscaping requirements. If these improvements are not installed within 180 days, a review by the Planning Commission shall be required. However, if the improvements are in place within 180 days an annual review will not be necessary."

The motion carried by UNANIMOUS vote.

2) UN-74-01 (5008) QUIZNO'S CLASSIC SUBS (Public Hearing)

An application submitted by Joseph Barbera on behalf of Hy-Ray Business Park III, LLC, property owner, for a use permit in an M-2 General Industrial District to allow a convenience food restaurant. The property is located at 2595 E. Craig Road. The Assessor's Parcel Number is 139-01-301-007.

RECOMMENDATION:

The Development Services Department recommends that UN-74-01 be approved subject to the following conditions:

1. Standard conditions: 4, 8, 10, 11 and 12.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending approval of this item subject to one condition.

Joseph Barbera, 1432 Dragon Rock Drive, Henderson, Nevada 89052 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.

Commissioner Tom Langford MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-74-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

Items #3 UN-75-01, #4 UN-76-01, #5 UN-77-01, #6 UN-78-01, #7 UN-79-01, and #8 UN-80-01 are all related.

3) UN-75-01 (5050) MOSKEETO'S RESTAURANT (Public Hearing)

An application submitted by Rancho Del Norte Plaza, Inc., property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-2 General Commercial to allow the "on-sale" of alcoholic beverages in conjunction with a restaurant (Moskeeto's). The property is generally located east of Camino Al Norte approximately 60 feet south of Rancho Del Norte. The Assessor's Parcel Number is 124-34-410-011.

RECOMMENDATION

The Development Services Department recommends that UN-75-01 be continued in order for the applicant to address the architectural requirements of the Commercial Designs Standards.

If however the Planning Commission were to find that approval of this item is warranted at this time the following conditions are recommended:

1. Standard Conditions: 8, 10, 11, 12 and 14.
2. That a traffic study update is required.
3. That the development shall be in compliance with chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance)
4. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval.
5. That the proposed development be consistent with the Commercial Design Standards including but not limited to the following:
 - a. That only the preferred or recommended building materials shall be used.
 - b. That the building elevations shall be revised in order to create a more consistent architecture among all the proposed structures on the site. Restraint should be used in the number of colors and materials selected.
 - c. That all building sides shall be coherently designed and treated with a consistent level of detailing and finish.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Final Development Plan was approved for this site in March, 2000. He stated staff is recommending this item be continued for revision to the architecture, however if the Planning Commission feels that approval is warranted staff has listed five (5) conditions.

Harry Marquis, 1640 Alta #10, Las Vegas, Nevada 89106 appeared on behalf of the applicant who stated he has a challenge with Standard Condition #8 which reads: *That the final site development plan shall be subject to site plan review and approval by staff.* He stated the final site development plan was already approved in March, 2000, therefore he feels that is an error on all these items (#3-#8) and he feels that Standard Condition should be deleted. In addition, he feels these restaurants will be very beneficial to the City, but he is concerned about delaying this project considering the economic climate in the country.

Mr. Marquis stated all of the restaurants in this proposed area look different and are intended to so as to allow each establishment to have their own identity.

Mark DiMartino, 2245 E. Flamingo Road, Las Vegas, Nevada 89119 appeared on behalf of the applicant who stated he felt it was important for each restaurant to have its own identity.

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

- ▶ Eleanor Crowley, 930 Cornerstone Place, North Las Vegas, Nevada 89031

Ms. Crowley stated she is concerned about these restaurants serving alcoholic beverages in this residential community and she believes that there is enough land further away from this area that would better suit this property.

- ▶ Fred Slark, 5150 Camino Al Norte, North Las Vegas, Nevada 89031

Mr. Slark stated he is the owner of the Northstar Bar and Grill and he is concerned about the effect on his business with these restaurants coming into the area as he feels there is already too much competition in the area.

The Public Hearing was closed.

Commissioner Tom Langford stated he agrees with this project and also believes that each restaurant should have its own identity.

Commissioner Scott Albright stated he believes the area is severely underserved terms of restaurants. He also believes that some variety is necessary in this area and believes these restaurants would enhance the City. Commissioner Albright also stated he believes this project may be advantageous to Mr. Slark's Northstar Bar and Grill as the customers who go to these restaurants may end up going to Northstar Bar and Grill after eating a meal at one of the restaurants. He stated he definitely supports this project.

Vice-Chairman Harry Shull stated he agrees with the comments made by the other Commissioners regarding this project.

Commissioner Marilyn Kirkpatrick asked the applicant what his intent is, whether these restaurants will be built in one phase, or if they will be built in phases.

Mr. Marquis replied that they intend to build all the restaurants at the same time.

Commissioner Kirkpatrick asked the applicant what their intentions are with regard to the sports complex.

Mr. Marquis replied that the sports complex will probably take a longer and will not necessarily be built at the same time the restaurants are built.

Commissioner Langford asked the applicant what the sports complex will have in it.

Mr. Marquis stated there will be an ice skating rink and basketball court, both being on the inside of the building.

Commissioner Langford asked the applicant if the sports complex will have specified hours for children and adults.

Mr. Marquis stated they intend to have both adults and children at the same time.

Commissioner Langford stated he is concerned about the bar being open when children are in the facility.

Mr. Marquis stated the bar will be contained in the supper club and will be separate from the area children will be present it.

Commissioner Anita Wood stated she is concerned about the particular material that will be used on this project.

Mr. Marquis displayed some pictures (on the overhead monitor) of what the restaurants will look like.

Chairman Nelson Stone asked staff if there is a way a compromise can be met to give staff some architectural control over the design and still allow the applicant to accomplish what they are trying to do.

Mr. Melendrez stated that staff suggests to strike Condition 5A and 5B, and keep 5C as is to allow staff to have some control to ensure the applicant complies with all the commercial design standards.

Commissioner Albright stated he believes the restaurants should not all look the same and favors the different looks the applicant is proposing.

Commissioner Anita Wood stated she agrees with not having all the buildings look the same, but she does not want to see buildings that are next to each other that look bad.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-75-01 per staff's recommendations subject to the following changes:

Standard Condition #8 deleted.

Condition #5A and 5B deleted.

The motion carried by UNANIMOUS vote.

Items #3 UN-75-01, #4 UN-76-01, #5 UN-77-01, #6 UN-78-01, #7 UN-79-01, and #8 UN-80-01 are all related.

4) UN-76-01 (5048) O'REILLY'S RESTAURANT (Public Hearing)

An application submitted by Rancho Del Norte Plaza, Inc., property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-2 General Commercial to allow the "on-sale" of alcoholic beverages in conjunction with a restaurant (O'Reilly's). The property is generally located east of Camino Al Norte approximately 60 feet south of Rancho Del Norte. The Assessor's Parcel Number is 124-34-410-011.

RECOMMENDATION

The Development Services Department recommends that UN-76-01 be continued in order for the applicant to address the architectural requirements of the Commercial Designs Standards.

If however the Planning Commission were to find that approval of this item is warranted at this time the following conditions are recommended:

1. Standard Conditions: 8, 10, 11, 12 and 14.
2. That a traffic study update is required.
3. That the development shall be in compliance with chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance)
4. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval.
5. That the proposed development be consistent with the Commercial Design Standards including but not limited to the following:
 - a. That only the preferred or recommended building materials shall be used.
 - b. That the building elevations shall be revised in order to create a more consistent architecture among all the proposed structures on the site. Restraint should be used in the number of colors and materials selected.
 - c. That all building sides shall be coherently designed and treated with a consistent level of detailing and finish.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Final Development Plan was approved for this site in March, 2000. He stated staff is recommending this item be continued for revision to the architecture, however if the Planning Commission feels that approval is warranted staff has listed five (5) conditions.

Harry Marquis, 1640 Alta #10, Las Vegas, Nevada 89106 appeared on behalf of the applicant.

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

- ▶ Eleanor Crowley, 930 Cornerstone Place, North Las Vegas, Nevada 89031

Ms. Crowley stated she is concerned about these restaurants serving alcoholic beverages in this residential community and she believes that there is enough land further away from this area that would better suit this property.

- ▶ Fred Slark, 5150 Camino Al Norte, North Las Vegas, Nevada 89031

Mr. Slark stated he is the owner of the Northstar Bar and Grill and he is concerned about the effect on his business with these restaurants coming into the area as he feels there is already too much competition in the area.

The Public Hearing was closed.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-76-01 per staff's recommendations subject to the following changes:

Standard Condition #8 deleted.

Condition #5A and 5B deleted.

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

Items #3 UN-75-01, #4 UN-76-01, #5 UN-77-01, #6 UN-78-01, #7 UN-79-01, and #8 UN-80-01 are all related.

5) UN-77-01 (5049) WOODY'S RESTAURANT (Public Hearing)

An application submitted by Rancho Del Norte Plaza, property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-2 General Commercial to allow the "on-sale" of alcoholic beverages in conjunction with a restaurant (Woody's). The property is generally located east of Camino Al Norte approximately 60 feet south of Rancho Del Norte. The Assessor's Parcel Number is 124-34-410-011.

RECOMMENDATION

The Development Services Department recommends that UN-77-01 be continued in order for the applicant to address the architectural requirements of the Commercial Designs Standards.

If however the Planning Commission were to find that approval of this item is warranted at this time the following conditions are recommended:

1. Standard Conditions: 8, 10, 11, 12 and 14.
2. That a traffic study update is required.
3. That the development shall be in compliance with chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance)
4. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval.
5. That the proposed development be consistent with the Commercial Design Standards including but not limited to the following:
 - a That only the preferred or recommended building materials shall be used.
 - b That the building elevations shall be revised in order to create a more consistent architecture among all the proposed structures on the site. Restraint should be used in the number of colors and materials selected.
 - c That all building sides shall be coherently designed and treated with a consistent level of detailing and finish.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Final Development Plan was approved for this site in March, 2000. He stated staff is recommending this item be continued for revision to the architecture, however if the Planning Commission feels that approval is warranted staff has listed five (5) conditions.

Harry Marquis, 1640 Alta #10, Las Vegas, Nevada 89106 appeared on behalf of the applicant.

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

- ▶ Eleanor Crowley, 930 Cornerstone Place, North Las Vegas, Nevada 89031

Ms. Crowley stated she is concerned about these restaurants serving alcoholic beverages in this residential community and she believes that there is enough land further away from this area that would better suit this property.

- ▶ Fred Slark, 5150 Camino Al Norte, North Las Vegas, Nevada 89031

Mr. Slark stated he is the owner of the Northstar Bar and Grill and he is concerned about the effect on his business with these restaurants coming into the area as he feels there is already too much competition in the area.

The Public Hearing was closed.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-77-01 per staff's recommendations subject to the following changes:

Standard Condition #8 deleted.

Condition #5A and 5B deleted.

The motion carried by UNANIMOUS vote.

Items #3 UN-75-01, #4 UN-76-01, #5 UN-77-01, #6 UN-78-01, #7 UN-79-01, and #8 UN-80-01 are all related.

6) UN-78-01 (5045) BANDIDO'S RESTAURANT (Public Hearing)

An application submitted by Rancho Del Norte, property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-2 General Commercial to allow the "on-sale" of alcoholic beverages in conjunction with a restaurant (Bandido's). The property is generally located east of Camino Al Norte approximately 60 feet south of Rancho Del Norte. The Assessor's Parcel Number is 124-34-410-011.

RECOMMENDATION

The Development Services Department recommends that UN-78-01 be continued in order for the applicant to address the architectural requirements of the Commercial Designs Standards.

If however the Planning Commission were to find that approval of this item is warranted at this time the following conditions are recommended:

1. Standard Conditions: 8, 10, 11, 12 and 14.
2. That a traffic study update is required.
3. That the development shall be in compliance with chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance)
4. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval.
5. That the proposed development be consistent with the Commercial Design Standards including but not limited to the following:
 1. That only the preferred or recommended building materials shall be used.
 2. That the building elevations shall be revised in order to create a more consistent architecture among all the proposed structures on the site. Restraint should be used in the number of colors and materials selected.
 3. That all building sides shall be coherently designed and treated with a consistent level of detailing and finish.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Final Development Plan was approved for this site in March, 2000. He stated staff is recommending this item be continued for revision to the architecture, however if the Planning Commission feels that approval is warranted staff has listed five (5) conditions.

Harry Marquis, 1640 Alta #10, Las Vegas, Nevada 89106 appeared on behalf of the applicant.

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

- ▶ Eleanor Crowley, 930 Cornerstone Place, North Las Vegas, Nevada 89031

Ms. Crowley stated she is concerned about these restaurants serving alcoholic beverages in this residential community and she believes that there is enough land further away from this area that would better suit this property.

- ▶ Fred Slark, 5150 Camino Al Norte, North Las Vegas, Nevada 89031

Mr. Slark stated he is the owner of the Northstar Bar and Grill and he is concerned about the effect on his business with these restaurants coming into the area as he feels there is already too much competition in the area.

The Public Hearing was closed.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-78-01 per staff's recommendations subject to the following changes:

Standard Condition #8 deleted.

Condition #5A and 5B deleted.

The motion carried by UNANIMOUS vote.

Items #3 UN-75-01, #4 UN-76-01, #5 UN-77-01, #6 UN-78-01, #7 UN-79-01, and #8 UN-80-01 are all related.

7) UN-79-01 (5046) FRESCA GRILLE & LOUNGE (Public Hearing)

An application submitted by Rancho Del Norte Plaza, Inc., property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-2 General Commercial to allow the “on-sale” of alcoholic beverages in conjunction with a grille and lounge (Fresca). The property is generally located east of Camino Al Norte approximately 60 feet south of Rancho Del Norte. The Assessor’s Parcel Number is 124-34-410-011.

RECOMMENDATION

The Development Services Department recommends that UN-79-01 be continued in order for the applicant to address the architectural requirements of the Commercial Designs Standards.

If however the Planning Commission were to find that approval of this item is warranted at this time the following conditions are recommended:

1. Standard Conditions: 8, 10, 11, 12 and 14.
2. That a traffic study update is required.
3. That the development shall be in compliance with chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance)
4. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval.
5. That the proposed development be consistent with the Commercial Design Standards including but not limited to the following:
 1. That only the preferred or recommended building materials shall be used.
 2. That the building elevations shall be revised in order to create a more consistent architecture among all the proposed structures on the site. Restraint should be used in the number of colors and materials selected.
 3. That all building sides shall be coherently designed and treated with a consistent level of detailing and finish.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Final Development Plan was approved for this site in March, 2000. He stated staff is recommending this item be continued for revision to the architecture, however if the Planning Commission feels that approval is warranted staff has listed five (5) conditions.

Harry Marquis, 1640 Alta #10, Las Vegas, Nevada 89106 appeared on behalf of the applicant.

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

- ▶ Eleanor Crowley, 930 Cornerstone Place, North Las Vegas, Nevada 89031

Ms. Crowley stated she is concerned about these restaurants serving alcoholic beverages in this residential community and she believes that there is enough land further away from this area that would better suit this property.

- ▶ Fred Slark, 5150 Camino Al Norte, North Las Vegas, Nevada 89031

Mr. Slark stated he is the owner of the Northstar Bar and Grill and he is concerned about the effect on his business with these restaurants coming into the area as he feels there is already too much competition in the area.

The Public Hearing was closed.

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-79-01 per staff's recommendations subject to the following changes:

Standard Condition #8 deleted.

Condition #5A and 5B deleted.

The motion carried by UNANIMOUS vote.

Items #3 UN-75-01, #4 UN-76-01, #5 UN-77-01, #6 UN-78-01, #7 UN-79-01, and #8 UN-80-01 are all related.

8) UN-80-01 (5047) NLV SPORTS COMPLEX (Public Hearing)

An application submitted by Rancho Del Norte Plaza, Inc., property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-2 General Commercial to allow the “on-sale” of alcoholic beverages in conjunction with a sports complex. The property is generally located east of Camino Al Norte approximately 60 feet south of Rancho Del Norte. The Assessor’s Parcel Number is 124-34-410-011.

RECOMMENDATION

The Development Services Department recommends that UN-80-01 be approved subject the following as conditions:

1. Standard Conditions: 8, 10, 11, 12 and 14.
2. That a traffic study update is required.
3. That the development shall be in compliance with chapter 5.26 of the North Las Vegas Municipal Code. (North Las Vegas Liquor Control Ordinance)
4. That all conditions, stipulations and limitations shall be fulfilled and construction begun within six (6) months of the date of approval.
5. That a partition be constructed that separates the restaurant from the bar.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated staff is recommending approval of this item.

Harry Marquis, 1640 Alta #10, Las Vegas, Nevada 89106 appeared on behalf of the applicant.

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

Vice-Chairman Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-80-01 per staff’s recommendations subject to the following change:

Condition #1 Changed to read: “Standard Conditions: 10, 11, 12 and 14.”
Standard Condition #8 deleted.

The motion carried by UNANIMOUS vote.

Item #24 was heard next, out of order as it is related to Items #3-8.

There was a break in the proceedings at 8:18 P.M.

The meeting reconvened at 8:29 P.M.

9) VAC-13-01 (4991) LOSEE ROAD ABANDONMENT (Public Hearing)

An application submitted by Coyote Land and Management, LLC, property owner, for a vacation of a portion of Losee Road commencing at Tonopah Avenue and proceeding south approximately 438 feet. The Assessor's Parcel Numbers are 139-22-801-001 and 139-22-801-002.

RECOMMENDATION:

The Development Services Department recommends that VAC-13-01 be denied based on the Public Works Department objections.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated a memorandum was submitted to staff by the Public Works Department which stated a northeast corridor study was prepared by the Nevada Department of Transportation which identifies Losee Road as an alternative crossing to I-15, therefore based on that study and the recommendation from the Public Works Department staff's recommendation of this request for vacation is for denial.

Chairman Nelson Stone called for the applicant to come forward. The applicant was not present.

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

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to DENY VAC-13-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

10) ZN-22-99 (4943) SIMMONS MARKET PLACE (Public Hearing)

An application submitted by Marathon Commercial Real Estate on behalf of Simmons Properties, LLC, property owner, for an extension of time on the reclassification of property from an R-E Ranch Estates District to a C-1 Neighborhood Commercial District. 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 ZN-22-99 receive a favorable recommendation to be permanently zoned to the C-1, Neighborhood Commercial District, and that this item be forwarded to the City Council for final action.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this property is currently under resolution of intent to the C-1 District with a number of conditions attached, however when the rezoning was originally sought there was simultaneously an amendment to the Comprehensive Plan applied for which would have changed the area for Neighborhood Commercial. He stated it was indicated at that this area was supported for Neighborhood Commercial, therefore the amendment to the Comprehensive plan was not required. Mr. Jordan stated that currently when items are brought before the Planning Commission for permanent zoning there is no site plan reviewed at the time, but simply a boundary map presented and if the item is in compliance with the Comprehensive Plan staff usually recommends approval of it. He stated that in this particular case the item is in compliance with the Comprehensive Plan, and though they have a number of conditions on the existing resolution of intent, once this item is approved that resolution of intent would be no longer and the Commercial Design Standards would prevail in this particular case and therefore all development would be subject to that. He also stated that the size of this development would require a site plan review in the future to be reviewed and approved by the Planning Commission, therefore staff's recommendation for this item is for approval for permanent zoning to the C-1 District.

Barry J. Smith, 3052 Whispering Crest Drive, Henderson, Nevada 89052 appeared on behalf of the applicant who stated he concurs with staff's recommendation.

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

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-22-99 per staff's recommendations.

The motion carried by UNANIMOUS vote.

11) ZN-25-93 (4965) TIERRA DE LAS PALMAS VILLAGE 4 (Public Hearing)

An application submitted by Legacy Homes on behalf of American Destination II, LLC, property owner, for a review of the perimeter landscaping requirements in a Planned Unit Development District (PUD). The property is generally located at the southeast corner of Simmons Street and Washburn Road. The Assessor's Parcel Number is 124-32-797-005.

RECOMMENDATION:

The Development Services Department recommends that the request to amend ZN-25-93 to waive the perimeter landscaping requirements and allow the existing decorative rock as an acceptable alternative be denied because there is an existing homeowner's association in place to maintain common areas and the financial situation of the applicant should not be considered as part of this request.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that according to the final map that was recorded as part of this development the developer indicated that there would be a five (5) wide landscape easement that would be held out as a common element along the street frontages and this final map was also recorded as a common interest community. He stated that the tentative map is subject to all the conditions of approval for the existing resolution of intent that covers this entire Planned Unit Development. He stated this is part of a larger project that is bounded by Washburn on the north, Lone Mountain on the south, Simmons on the west, and Clayton Street on the east. Mr. Jordan stated that according to the conditions for approval for the resolution of intent there are requirements for landscaping to be provided in accordance with the zoning ordinance and likewise all the landscaping and common elements, including the small private parking areas are required to be maintained by a homeowners association. He stated that this development is started and the developer, for an unknown reason to staff, has never installed the perimeter landscaping. He stated the only thing that is existing currently out there is decorative rock and he stated the developer should have been installing landscaping a while ago and not let it go this far. He stated the applicant is requesting a waiver of the landscaping requirements due to financial hardships. Mr. Jordan stated under normal standards when waivers are presented to the Planning Commission for consideration, one of the issues the Commission should not consider and entertain is the financial aspects of the project. He stated that is the responsibility and consideration of the developer and not the Planning Commission. Mr. Jordan stated based on all this staff's recommendation for this waiver is for denial, and that landscaping be provided in accordance with the zoning ordinance requirements.

Chairman Nelson Stone stated his personal residents is south of this subject project on Parasail Point and feels that he can be objective and has no vested financial interest in this application.

Doug Saunders, 3068 E. Sunset Road, Suite 14, Las Vegas, Nevada 89120 appeared on behalf of the applicant.

Chairman Stone asked of the applicant what compelling reason exists to not put in the required landscaping and indicated he does not believe that financial hardship is a basis for a waiver.

Mr. Saunders stated that the owners of the property have had challenges among themselves and are trying to restructure their business relationship and have fallen on financial challenges. He stated that other properties in the area do not have the landscaping and therefore he did not feel it would be an eyesore to the community if this project was granted a waiver.

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

- ▶ Bob Borgersen, 4751 Possum Berry Lane, North Las Vegas, Nevada 89031

Mr. Borgersen stated the applicant has made promises to the residents that they have not honored and he feels the landscaping requirements should be met.

- ▶ Bob Proffitt, 2414 Parasail Point Avenue, North Las Vegas, Nevada 89031

Mr. Proffitt stated he is the President of the Tierra De Las Palmas Homeowners Association Board of Directors and stated he is surprised this item is before the Planning Commission as the Homeowners Association has been trying to deal with the builders regarding some of the things that have been promised to homeowners since they bought into their projects. He stated that one of the promises made by the builders was that it would be completely landscaped and he feels they should be made to honor that commitment. He feels that if the builders are allowed to not comply with the landscaping requirements that it would reduce the property values of the properties within this community. He stated that the builders claim they have put in decorative rock, but what has actually been put in is gravel.

- ▶ Theresa McCullough Gonzalez, 2418 Island Paradise Avenue, North Las Vegas, Nevada 89031

Ms. Gonzalez stated that she feels the builders should honor their commitment and does not agree with their claim of financial hardship.

- ▶ Bernice Wingo, 5122 Fiji Island Court, North Las Vegas, Nevada 89031

Ms. Wingo stated she is the Secretary for the Homeowners Association and has tried to get the builders to comply with the requirements and the builders have not honored their commitments nor do they give any attention to anyone who tries to get them to comply.

- ▶ Terri Goudreau, 2421 Parasail Point, North Las Vegas, Nevada 89031

Ms. Goudreau stated she is a homeowner in Tierra De Las Palma and was promised landscaping around this community and it has not been done. She feels this causes property values to be lower and opposes the applicant receiving approval of the waiver.

Suzanne Allred, 2417 Paradise Isle Avenue, North Las Vegas, Nevada 89031

Mrs. Allred stated there are liens against her property and she is unable to refinance her house because of it. She feels the applicant should be made to comply with the landscaping requirements.

Commissioner Anita Wood asked if the approved site plan and the approved landscaping plan show the perimeter landscaping.

Marc Jordan stated that the plans did show the landscaping.

Commissioner Wood stated, that being the case, this applicant cannot claim they did not know of the requirements. She also stated although she understands there is a significant expense involved, the requirements were in place before and financial hardship of the applicant cannot be considered an acceptable reason for the waiver.

Commissioner Tom Langford stated he believes this developer knew the cost involved with installing the landscaping prior to the commencement of the development and he does not believe this waiver should be granted.

Commissioner Dean Leavitt stated he concurs with Commissioner Langford's statements and does not believe this waiver should be granted.

Vice-Chairman Harry Shull stated he also agrees with the other Commissioners and opposes granting of this waiver.

Commissioner Marilyn Kirkpatrick stated she feels the applicant should be made to comply with the landscaping requirements and she feels a deadline should be set for force compliance with the requirements on this project.

Chairman Stone stated he believes it would be in the best interest of the applicant to complete the landscaping.

Jim Lewis, Deputy City Attorney, stated this subject can be turned over to the City's Code Enforcement Division to ensure compliance with the requirements.

Commissioner Scott Albright stated he concurs with the other Commissioners and opposes the waiver.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Tom Langford SECONDED to DENY ZN-25-93 per staff's recommendations.

The motion carried by UNANIMOUS vote.

12) ZN-36-01 (5002) J.R. PROPERTIES (Public Hearing)

An application submitted by J. R. Properties on behalf of the Lied Foundation Trust, property owner, for reclassification of property from an R-1 Single-Family Residential District to a C-2 General Commercial District. The property is generally located at the southwest corner of Craig Road and Revere Street. The Assessor's Parcel Number is 139-04-701-002.

RECOMMENDATION:

The Development Services Department recommends that ZN-36-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent zoning to the C-2 General Commercial District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows this area is regional commercial and this area is located east of the Home Depot site and east of that there is property that is zoned C-2, therefore it is zoned C-2 on both sides of the subject site under consideration. Mr. Jordan stated staff is recommending approval for permanent zoning to the C-2 District.

Chairman Nelson Stone stated that the backup package he received on this item contains a copy of a parcel map that the company he works for recorded approximately five (5) years ago and disclosed that he has no financial interest in this project.

Kit Grarko, 1900 E. Flamingo Road Suite 190, Las Vegas, Nevada 89119 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

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

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Scott Albright SECONDED to APPROVE ZN-36-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

13) ZN-37-01 (5030) THE CANYONS II (Public Hearing)

An application submitted by Centex Homes on behalf of Aubrey & Joanna A. Goldberg, property owners, for reclassification of property from an R-E Ranch Estates District to an R-1 Single-Family Residential District. The property is generally located at the southwest corner of Azure Avenue and Lawrence Street. The Assessor's Parcel Numbers are 124-26-604-001, 124-26-604-002, 124-26-602-001 and 124-26-602-002.

RECOMMENDATION:

The Development Services Department recommends that ZN-37-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent "hard zoning" to the R-1 Single Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows low density residential therefore staff is recommending approval of this project.

Manny Pattni, or Pentacore Engineering, 6763 W. Charlestone Boulevard, Las Vegas, Nevada 89146 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 Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE ZN-37-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

14) T-886 (5025) THE CANYONS II

An application submitted by Centex Homes on behalf of Aubrey & Joanna A. Goldberg, property owners, for a tentative map review in an R-E Ranch Estates District (proposed property reclassification to R-1 Single-Family Residential) to allow for 94 single family homes. The property is generally located at the southwest corner of Azure Avenue and Lawrence Street. The Assessor's Parcel Numbers are 124-26-604-001 and 002 and 124-26-602-001 and 002.

RECOMMENDATION:

The Development Services Department recommends that T-886 be approved subject to the following conditions:

1. Standard conditions: 1, 2, 3, 4, 7, 11, 15, 17, 26, 27 and 31.
2. The vacation of Reiss Lane must be approved and recorded prior to Final Map approval.
3. A merger and resubdivision map or reversionary map is required to remove the existing lot configuration.
4. Fiber optic conduit is to be provided on Tropical Parkway.
5. Installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording the final map.
6. The developer shall comply with the Single Family Design Standards.
7. 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 Marc Jordan, Senior Planner, on behalf of staff who indicated this item is related to Item #13 ZN-37-01. He stated that staff is recommending approval of this item subject to seven (7) conditions.

Manny Pattni, or Pentacore Engineering, 6763 W. Charlestone Boulevard, Las Vegas, Nevada 89146 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 Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE T-886 per staff's recommendations.

The motion carried by UNANIMOUS vote.

15) ZN-38-01 (5036) CENTEX HOMES (Public Hearing)

An application submitted by Centex Homes on behalf of John & Gabriella Michelon, property owners, for reclassification of property from an R-E Ranch Estates District to an R-2 Two-Family Residential District. The property is generally located at the southwest corner of Centennial Parkway and Bruce Street. The Assessor's Parcel Number is 124-26-101-013.

RECOMMENDATION:

The Development Services Department recommends that ZN-38-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent "hard zoning" to the R-2 Two-Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows two (2) land-use designations, one being medium high density residential which would allow approximately 8-13 units to the acre and another one medium density residential which would allow 4 ½ -10 units to the acre. He stated according to the applicant's letter of intent they plan on doing a development that would have approximately 12 units to the acre. Mr. Jordan stated staff is recommending approval for permanent zoning to the R-2 District.

Manny Pattni, or Pentacore Engineering, 6763 W. Charlestone Boulevard, Las Vegas, Nevada 89146 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.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-38-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

16) ZN-39-01 (5037) THE CANYONS I (Public Hearing)

An application submitted by Centex Homes on behalf of John & Gabriella Michelon, property owners, for reclassification of property from an R-E Ranch Estates District to an R-1 Single-Family Residential District. The property is generally located at the southeast corner of Centennial Parkway and Bruce Street. The Assessor's Parcel Number is 124-26-101-013.

RECOMMENDATION:

The Development Services Department recommends that ZN-39-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent "hard zoning" to the R-1 Single Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows low density residential for this area therefore staff is recommending approval for permanent zoning to the R-1 District.

Manny Pattni, or Pentacore Engineering, 6763 W. Charlestone Boulevard, Las Vegas, Nevada 89146 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.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-39-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

17) T-885 (5022) THE CANYONS I

An application submitted by Centex Homes on behalf of John & Gabriella Michelon, property owners, for a tentative map review in an R-E Ranch Estates District (proposed property reclassification to R-1 Single-Family Residential) to allow for 190 single family homes. The property is generally located at the southeast corner of Centennial Parkway and Bruce Street. The Assessor's Parcel Number is 124-26-101-013.

RECOMMENDATION:

The Development Services Department recommends that T-885 be continued indefinitely to allow the applicant time to submit a revised tentative map addressing the concerns outlined in the analysis section and to allow the City time to determine the exact alignment of the Upper Las Vegas Wash Flood Control Channel. 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-885 be denied.

Vice-Chairman Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to CONTINUE T-885 to the October 24, 2001 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 10/24/01.

18) ZN-40-01 (5039) CAREY LANDING (Public Hearing)

An application submitted by the Housing Authority of the City of North Las Vegas on behalf of G & B Investment Company, property owners, for reclassification of property from C-1 Neighborhood Commercial District to an R-1 Single-Family Residential District. The property is generally located west of Commerce Street approximately 229 feet north of Carey Avenue. The Assessor's Parcel Number is 139-15-401-005.

RECOMMENDATION:

The Development Services Department recommends that ZN-40-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent "hard zoning" to the R-1 Single Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an application submitted by the Housing Authority of the City of North Las Vegas on behalf of G&B Investment Company. He stated this is an application was reclassification of property from C-1 Neighborhood Commercial District to the R-1 Single-Family Residential District. Mr. Jordan stated this property is designated as low density residential in the Comprehensive Plan and the applicant has indicated in the future they plan on developing this area with single-family residential development, therefore staff's recommendation is for approval for permanent zoning to the R-1 District.

Don England, Chief Executive Officer of the Housing Authority for the City of North Las Vegas, 1632 Yale Street, North Las Vegas, Nevada 89030 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.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-40-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

19) ZN-41-01 (5038) WASHBURN & BRUCE (Public Hearing)

An application submitted by Heller Development on behalf of the Marilyn S. Redd Trust, property owner, for reclassification of property from an R-E Ranch Estates District to an R-1 Single-Family Residential District. The property is generally located south of Hammer Lane approximately 282 feet east of Donna Street. The Assessor's Parcel Number is 124-35-203-002.

RECOMMENDATION:

The Development Services Department recommends that ZN-41-01 receive a favorable recommendation and that this item be forwarded to the City Council for permanent zoning to the R-1 Single Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows this area is low density residential therefore staff's recommendation is for approval of permanent zoning to the R-1 District.

Chairman Nelson Stone called for the applicant to come forward. The applicant was not present.

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

Denise Webb, representing Nellis Air Force Base, 99 Civic Engineering Squadron, Nellis Air Force Base, 89191.

Ms. Webb stated she is concerned that this project is in a high noise level area, 65 decibels, and she asked that with any development in this area that there be a consideration for noise level reduction.

The Public Hearing was closed.

Commissioner Tom Langford stated that due to the fact that the applicant is not present he would like to see this item held to the end of the meeting.

Jim Lewis, Deputy City Attorney, stated that a motion can be made to continue this item to the end of the meeting.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE this item to the end of the current meeting at this 9/26/01 Planning Commission meeting.

The motion carried by MAJORITY vote with Chairman Nelson Stone voting against the motion.

This item is being presented after Item #32 SP4-23-01 as it was continued to the end of the meeting.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows low density residential for this area and staff is recommending permanent zoning to the R-1 Single-Family Residential District.

Vicky Troy, of Orion Engineering, 3068 E. Sunset Road Suite 9, Henderson, Nevada 89120 appeared on behalf of the applicant who stated she concurs with staff's recommendations.

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

Vice-Chairman Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE ZN-41-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

20) T-884 (5015) LAGUNA PARK II

An application submitted by the Helmer Company on behalf of Meridian, property owner, for a tentative map review in an O-L Open Land District (proposed property reclassification to R-1 Single-Family Residential District) to allow for 39 single family homes. The property is generally located south of Ann Road approximately 1,312 feet east of Clayton Avenue. The Assessor's Parcel Number is 124-33-101-006.

RECOMMENDATION:

The Development Services Department recommends that T-884 be continued indefinitely to allow revisions to the tentative map addressing the residential design standards and the problems with the street layout. State statutes require the Planning Commission to act within 45 days, or the tentative map will be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department recommends denial on T-884.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that presently the Comprehensive Plan shows office for this area, however there has been a Comprehensive Plan amendment and a rezoning that was approved by the Planning Commission recently and is currently pending City Council consideration and approval, therefore if approved there would be conditions governing incorporated into this. He stated that according to the staff report that was distributed staff originally recommended a continuance due to some design changes staff wanted to see in the subdivision, primarily Public Works concerns and also some planning issues regarding perimeter landscaping. He stated the applicant has submitted a revised tentative map this afternoon and staff has reviewed it therefore staff is now recommending approval of this item subject to six (6) conditions listed as follows:

1. Standard conditions 1, 2, 3, 6, 7, 8, 11, 15, 17, 26, 27, 29 and 31.
2. Installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative prior to the recording of the final map. Such alternatives shall be subject to approval by the Fire Department.
3. All Fire Department codes and ordinances in effect at the time of the application for a building permit shall apply.
4. Fiber optic conduits shall be provided along the Ann Road frontage.
5. The tentative map shall be revised in order to demonstrate compliance with the Residential Single Family Design Guidelines.
6. Two copies of a corrected Tentative Map incorporating the conditions of approval shall be submitted for review by the Public Works Department and the Planning Division prior to submittal of the Final Map.

Ron Jackson, of Southwest Engineering, 3610 N. Rancho, Las Vegas, Nevada 89130 appeared on behalf of the applicant who stated he concurs with staff's recommendations and commended staff for expediting this item.

Commissioner Anita Wood asked the applicant with regard to Street C, how long the street is.

Mr. Jackson replied the entire street is a little over 500 feet.

Mr. Jordan stated that looking at the tentative map and the size of the lots, staff estimates the length to be approximately 550 feet.

Mr. Jordan stated that normally staff would require curvilinear design on streets more than 500 feet in length, but it is not an actual ordinance at this time.

Commissioner Scott Albright stated that he believes that emergency access is important at the end of Street C.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE T-884 per staff's recommendations subject to the following change:

Condition #7 Added to Read: "That the utility easement/emergency access off of Street C be pedestrian accessible."

The motion carried by UNANIMOUS vote.

21) T-887 (5043) ELKHORN/COMMERCE

An application submitted by Ranco Holding LLC on behalf of Elkcom Investment LLC, property owner, for a tentative map review in an R-E Ranch Estates District (proposed property reclassification to PUD Planned Unit Development District) to allow 279 single family homes. The property is generally located at the southeast corner of Elkhorn Road and Commerce Street (alignment). The Assessor's Parcel Numbers are 124-22-501-005, 006, 007 and 008.

RECOMMENDATION:

The Development Services Department recommends that T-887 be continued indefinitely to allow the applicant time to address all issues of concern that have been raised by the Department of Public Works and the Fire Department. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-887 be denied.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Comprehensive Plan shows two designations for this, one being office and the other being medium density residential, however there is an application was approved by the Planning Commission to change the office to medium density residential, as well as there was an application approved by the Planning Commission to rezone this property to the PUD District and both of those applications are currently pending City Council consideration. He stated the Public Works Department has given staff a memorandum regarding the Elkhorn Drive and Goldfill Street which indicated that on the preliminary development plan these streets were not proposed, therefore there was a condition requiring a vacation of these streets and also an amendment to the Master Plan of Streets and Highways regarding these streets, however due to some changes in the northern beltway right-of-way it has come under question that these streets may be required at this time. Mr. Jordan stated that if they are required and staff is not able to support that vacation those changes would cause significant changes in the tentative map as proposed. He stated that the Fire Department has also indicated that some of the cul-de-sacs contain more than 25 residential units, which under Ordinance 1283 would require more than one means of access to that area, therefore those changes would also require significant changes to the tentative map as proposed, therefore staff's recommendation at this time is for an indefinite continuance, to allow the applicant to proceed forward with his rezoning request and amendment to the Comprehensive Plan, and likewise to revise the tentative map as appropriate to satisfy these concerns. Mr. Jordan also stated that if the applicant is not agreeable to continuing this item, under State law, staff would need to recommend denial of this application.

Chairman Nelson Stone called for the applicant to come forward. The applicant was not present.

Jim Lewis, Deputy City Attorney, stated that State law gives the City a certain number of days to act on a tentative map or it is deemed approved.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE T-887 to the end of this Planning Commission meeting.

The motion carried by MAJORITY vote with Chairman Nelson Stone and Commissioner Marilyn Kirkpatrick voting against the motion.

This item is being heard, out of order, following Item #19 ZN-41-01 as both items were continued to be heard at the end of the meeting.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff's recommendation was to continue this item indefinitely due to Public Works Department and Fire Department concerns, however he stated under State law the applicant needs to agree to a continuance, otherwise the tentative map is deemed approved within 45 days, therefore without the applicant present, staff is having to recommend denial of this application.

Jim Lewis, Deputy City Attorney, stated that the City Attorney's office concurs with Mr. Jordan's statements regarding denial of this item.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to DENY T-887 per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item was DENIED.

22) SPR-26-01 (4963) DON STEWART

An application submitted by Don Stewart, property owner, for a site plan review in an R-E Ranch Estates District to allow a 30'X60'X16' metal garage. The property is located at 4105 Fuselier. The Assessor's Parcel Number is 139-05-801-004.

RECOMMENDATION:

The Development Services Department recommends SPR-26-01 be continued to allow the applicant to apply for a use permit for the height of the garage.

However, if the Commission chooses to approve SPR-26-01 the following conditions should apply:

1. Standard Conditions: 4, 10, and 11.
2. The applicant shall obtain a special use permit prior to relocating the garage from 2849 Craig Ave to the proposed site at 4105 Fuselier.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the applicant has purchased the detached building where is located where the Outback Steakhouse was previously located. He stated the building has been painted with a tan color and believes it will blend in well with the area. He stated that the proposed detached structure is exceeding the height of the building itself and under the ordinance there is a requirement they would need to apply for a use permit to that therefore staff's recommendation is for a continuance to allow that use permit to proceed first, however if the Planning Commission deems that approval is warranted at this time, staff has listed two (2) conditions, and he also stated the applicant has applied for a use permit which is scheduled to be presented before the Planning Commission on 10/24/01.

Kay Shields, 4300 San Mateo Street, North Las Vegas, Nevada 89030 appeared on behalf of the applicant who stated this building was originally located at the corner of Craig Road and Fuselier, approximately 1,000 feet from where the applicant wants to relocate the building, and Don Stewart was the owner of that building prior to Outback Steakhouse. Mr. Shields stated Don Stewart installed the building in 1986 and retained ownership of that building and the sale of that property and he wants to relocate it to the new property at 4105 Fuselier.

Chairman Nelson Stone asked the applicant if he has filed for the use permit.

Mr. Shields stated the use permit has been filed for and he would have done it earlier if he knew that a use permit would be necessary.

Mr. Shields also stated there is an error on the staff report. The building is stated to be a 30x60 metal building, when in fact it is only a 30x40 metal building, and also it is stated as being 20 feet tall when in fact it is only 16 feet tall.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Dean Leavitt SECONDED to APPROVE SPR-26-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

23) SPR-27-01 (5000) THE DRESCHER CORPORATION

An application submitted by The Drescher Corporation, property owner, for a site plan review in an M-2 General Industrial District to allow a waiver of the Industrial Design Guidelines requiring landscape islands in parking lots. The property is located at 6350 E. Tropical Parkway. The Assessor's Parcel Numbers are 123-27-601-009 and 123-27-601-010.

RECOMMENDATION

The Development Services Department recommends SPR-27-01 be denied because the requirements for approval of a waiver have not been satisfied.

Prior to the Planning Commission meeting, the applicant asked to have the item withdrawn.

The item has been WITHDRAWN.

This item was heard out of order following Item #8 UN-80-01 as it is related to Items #3-8.

24) FDP-04-00 (5044) RANCHO DEL NORTE OFF. COMPLEX

An application submitted by Rancho Del Norte Plaza, Inc., property owner, for an amendment to Condition #10 of the Final Development Plan in a PUD District requiring that no medical or dental offices be a use in the office buildings. The property is generally located at the southeast corner of Camino Al Norte and Rancho Del Norte. The Assessor's Parcel Numbers are 124-34-330-001, 124-34-330-002, 124-34-330-003, 124-34-330-004, 124-34-330-005, 124-34-330-006, 124-34-330-007 and 124-34-330-008.

RECOMMENDATION

The Development Services Department recommends that the amendment to FDP-04-00 be approved subject to the following condition:

1. That all applicable conditions from the original approval (April 26, 2000) of this item shall apply with the exception of condition #10 which shall be stricken.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated staff is recommending approval of this item.

Vice-Chairman Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE FDP-04-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

**There was a break in the proceedings at 8:18 P.M.
The meeting reconvened at 8:29 P.M.**

25) FDP-09-01 (5013) TIMBERS

An application submitted by THG, Inc. on behalf of Crest THG LLC, property owner, for a Final Development Plan review in a C-1 Neighborhood Commercial District. The property is generally located on the northside of Ann Road, approximately 300 feet east of Simmons Street.

RECOMMENDATION:

The Development Services Department recommended that FDP-09-01 be approved subject to the following conditions:

1. Standard conditions 1, 2, 3, 4, 7, 10, 11, 15, 26, 27, 28 and 29.
2. That all conditions of approval for UN-85-00 shall be met.
3. That final development plan FDP-02-01 shall be become null and void.
4. That a color board shall be submitted to the Development Services Department at the time building plans are submitted for review.
5. That the proposed buildings shall be oriented to the street front with all parking provided within the interior of the parcel.
6. That windows be provided throughout the Timbers Bar & Grill, except where the kitchen and restrooms are proposed to be located.
7. That columns with round river stone veneering shall be provided for the Timbers Bar & Grill instead of the decorative lodge pole plant-ons.
8. That round river stone veneering shall be provided on the cupola of the Timbers Bar & Grill.
9. That a minimum six-foot high block wall shall be constructed along the north and east property lines.
10. The space between driveways does not meet the standard called out in the Municipal Code Section 17.24.130.D. Driveways must meet the adopted standards.
11. The driveway location and parking plan shall be subject to review and approval by the North Las Vegas Traffic Engineer.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that presently there is a use permit approved for this site for the Timbers Bar & Grill and at this time the applicant is applying for a new final development plan as they did have one approved prior to this. He stated there are a few design changes according to the site plan and also the building elevations that staff would like to see that would put this more in compliance with the Commercial Design Standards. One of those being that the building should be orientated to the street frontage. Likewise there are some issues regarding the building, removal of some of the lodge pole plant-ons in front of the Timbers area and incorporating some of the pylasters with a round-river stone to actually be replaced with those areas to blend this more into the rest of this center. He also said there are some changes that staff would like to see to the cupolas that are also proposed for this area. He stated staff is recommending approval of this item subject to eleven (11) conditions, some of the conditions regard orientation or the building and the Commercial Design Standards.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109 appeared on behalf of the applicant who stated concurs with all of staff's recommendations with the exception of condition #5. Mr. Gronauer stated that approximately one year ago a first request for a special use permit for the tavern was submitted. He stated that at that time he was denied by the Planning Commission. He stated there was a desire by the City Council not to have a free-standing tavern located on the frontage of the property. He stated the applicant later came before the Planning Commission with a new special use permit and subsequent to that they came in with a final development plan. The special use permit was approved by the Planning Commission and the final development plan came back and there were some discussions with respect to the architectural features of the buildings. He stated that application was approved and since that time he came back before the Planning Commission for an extension of approximately two (2) months ago and that extension of time was approved, however there was some discussion about coming back with a new final development plan to address some concerns by the Planning Commission and staff with respect to the architectural features and the aesthetics of the development itself. Mr. Gronauer stated with regard to staff recommending that the buildings be moved to the frontage of Ann Road which would give them a 20 foot setback, 5 feet of sidewalk and 15 feet of landscaping. He stated the City's Code requires them to do that unless they can show that it is infeasible to do so and he believes that to be the case. Mr. Gronauer stated on the fast food pad there is a drive-thru and if they are required to move the pad to the frontage of the property the fast food restaurant's ability to have a drive-thru location. He stated the applicant seeks approval of the final development plan with the deletion of condition #5.

Mr. Jordan stated thought staff would normally like to see the buildings orientated to the street to be in compliance with the Commercial Design Standards, based on the history of this item and the City Council's desires for that, staff who agree to delete condition #5.

Commissioner Anita Wood stated she concurs with Mr. Jordan and believes that the office buffering the church will be very nice. She believes that having Timbers setback off of Ann Road will be a good thing for the neighborhood and the fact that the Planning Commission did not require the McChevron to orient to the corner to give this continuity, she would support deleting condition #5. She also stated that she is concerned about the applicant representing to the Planning Commission that this Timbers will look as nice as the property in the City of Henderson, however the staff report states that the floor plan will remain the same, which does not match the property in Henderson.

Mr. Gronauer stated he will submit that to staff and honor his commitment to the Planning Commission for that which he is proposing.

Commissioner Dean Leavitt stated he commends Mr. Gronauer for working with his client, staff and the Planning Commission to bring this pleasing project to life.

Commissioner Tom Langford MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE FDP-09-01 per staff's recommendations subject to the following change:

Condition #5 Deleted.

The motion carried by MAJORITY vote with Chairman Nelson Stone and Commissioner Scott Albright voting against the motion.

**There was a break in the proceedings at 9:51 P.M.
The meeting reconvened at 10:04 P.M.**

OLD BUSINESS

Item #26 AMP-21-01 and Item #27 ZN-28-01 are related and will be heard together.

26) AMP-21-01 (4723) CENTENNIAL PLAZA (Public Hearing)

An application submitted by Ike and Dana Epstein, property owners, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to Neighborhood Commercial. The property is generally located at the southeast corner of Centennial Parkway and Commerce Street. The Assessor's Parcel Numbers are 124-27-501-008 and 124-27-502-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-21-01 be denied as the proposed change does not comply with the guidelines established in the Comprehensive Plan and there has not been any compelling reason demonstrated by the applicant to amend the Comprehensive Plan.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that he is going to brief Item #26 and #27 together as they are related. He stated this item was originally scheduled for the August 8, 2001 Planning Commission meeting, but was continued at the request of the applicant to wait until the outcome of the commercial study area which has not been completed yet. He stated that in the original recommendation the staff report contained a market study that was submitted for this site and essentially there are approximately 492 acres within a two (2) mile radius of this site that can be developed as commercial or according to the Comprehensive Plan can be rezoned for commercial. Using a floor-area ratio of approximately 22% this means that there would be 4.7 million square feet of commercial area that could be built within this area. According to the Comprehensive Plan, the floor area ratio per capita for retail uses in the U.S. ranges from 20 square feet to 55 square feet, which would equate to a population of 85,000 to 235,000 people needed to support this much commercial. He stated based on this information, staff's recommendation for the Comprehensive Plan amendment is for denial, as well as for the application for the rezoning.

Jeremy Aguero, 2700 W. Sahara Avenue 3rd floor, Las Vegas, Nevada 89102 appeared on behalf of the applicant who stated he originally submitted the application on August 8, 2001 pending the outcome of the study. With regard to staff in consideration of market demand and supply within the area, he stated he concurs that there are 428 acres of potential retail space. He stated that within that market area he presented what he believes to be positive evidence regarding both supply side and demand side factors that would suggest there is substantially more demand in the area and he has provided that information to staff for their review.

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

- ▶ Michael Humphrey, 6666 Montezuma Castle Lane, North Las Vegas, Nevada 89084

Mr. Humphrey stated he opposes commercial in his neighborhood and many of the residents in the area also oppose commercial in this area.

Chairman Stone closed the Public Hearing.

Mr. Aguero stated that he, too, went out to see the neighbors and found many of them in favor of new commercial development. He stated they already have a buyer and a developer for the parcel. He stated they have done their due diligence and there is sufficient demand to warrant this project.

Mr. Jordan stated that staff has received four (4) letters in opposition to this item.

Commissioner Scott Albright stated that he believes that commercial is needed to support neighborhoods, however he believes that sufficient commercial exists in this particular area and does not believe that additional commercial is necessary.

Commissioner Anita Wood stated she does not think this large of a decision should be made until the study in this area has been completed.

Mr. Jordan stated that a follow up meeting is scheduled for October 16, 2001 at 5:00 PM in the City Library.

Commissioner Tom Langford MOVED and Commissioner Scott Albright SECONDED to DENY AMP-21-01 per staff's recommendations.

The motion carried by MAJORITY vote with Vice-Chairman Harry Shull voting against the motion.

Item #26 AMP-21-01 and Item #27 ZN-28-01 are related and will be heard together.

27) ZN-28-01 (4724) CENTENNIAL PLAZA (Public Hearing)

An application submitted by Ike and Dana Epstein, property owners, for reclassification of property from an R-E Ranch Estates District to a C-1 Neighborhood Commercial District. The property is generally located at the southeast corner of Centennial Parkway and Commerce Street. The Assessor's Parcel Numbers are 124-27-501-008 and 124-27-502-005.

The Development Services Department recommends that ZN-28-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Chairman Nelson Stone opened the Public Hearing. He stated that since this item is related to item #26 AMP-21-01 any testimony given during item #26 shall also apply to this item.

The following participant came forward:

- ▶ Michael Humphrey, 6666 Montezuma Castle Lane, North Las Vegas, Nevada 89084

Mr. Humphrey stated he opposes commercial in his neighborhood and many of the residents in the area also oppose commercial in this area.

Chairman Stone closed the Public Hearing.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to DENY ZN-28-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

Item #28 AMP-25-01 and Item #29 ZN-34-01 are related and are being presented together.

28) AMP-25-01 (4929) 5TH AND FARM (Public Hearing)

An application submitted by Phillip Nourafchar on behalf of Fifth & Farm, LLC, property owner, for an amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential and M-HDR Medium-High Density Residential to MDR Medium Density Residential. The properties are generally located at the northeast corner of North Fifth Street and El Campo Grande and east of North Fifth Street approximately 340 feet south of Azure Avenue. The Assessor's Parcel Numbers are 124-26-301-001, 124-26-301-003, 124-26-301-004, 124-26-303-001 and 124-26-202-006.

RECOMMENDATION:

The Development Services Department recommends that AMP-25-01 be approved to amend the Comprehensive Plan land use designation for the 9.5 acre site located east of North 5th Street and approximately 650 feet north of Tropical Parkway to Medium Density Residential.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this area has a land use designation of low density residential. He stated the accompanying staff report after this item is for rezoning which would consist of a PUD Development for 389 single-family detached dwelling units. According to the guidelines site one would actually comply with the guidelines as it is already medium high density residential and therefore it is just a downgrade of that designation. However, site two is a little different as it is essentially surrounded by low density on three sides of the development. Likewise it would not be medium high density residential and would no be compatible with the surrounding area. He stated staff's recommendation for this particular application is for approval to change the Comprehensive Plan land use designation only for site one which is the 9.5-acre site located east of North 5th Street and approximately 650 feet north of Tropical Parkway. Mr. Jordan stated staff is not supporting the Comprehensive Plan designation for site two.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109 appeared on behalf of the applicant. He stated he is proposing an amendment to the Master Plan for medium density, but to also approve a second portion (pointing to a picture on the overheard monitor). He stated that the big picture is he could plan a 70-acre area to give the Planning Commission an idea of what is going to be developed there. Mr. Gronauer stated if you go up north on Centennial you have commercial development until you come to this development which would be 70 acres, which would be proposed for a single-family detached product. He stated with respect to zoning on the property itself it is already zoned for R-2 Development. He stated the zoning code allows for up to 12 units to the acre. He stated he could put in approximately 360 units on the property, and the entire project of what is being proposed before the Planning Commission including the southern portion is 389 units. Mr. Gronauer stated what he is proposing has far less impact on potential development than what is already planned and approved in this area. He stated that this development will add approximately 5.5 acres of park and the tradeoff is to allow him to add one more unit per acre on the 37 acres.

Brad Burns, Centex Homes, 3600 N. Rancho Drive, Las Vegas, Nevada 89130 appeared on behalf of the developer. Mr. Burns stated he believes the important thing is for the Planning Commission to make a decision with regard to the future housing in the City of North Las Vegas. He stated with the current zoning in the northern 30 acres being R-2 is correct if this plan is not approved as a whole the result will be R-2 type of product which is duplexes, triplexes and four-plexes on a minimum of 3,000 square foot lot with a minimum 400 square fee around it.

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

- ▶ Denise Webb, representing Nellis Air Force Base, 99 Civic Engineering Squadron, Nellis Air Force Base, 89191.

Ms. Webb stated that she would like noise level reduction would be considered in development of this project.

- ▶ Robert Combs, 555 E. El Campo Grande, North Las Vegas, Nevada 89031

Mr. Combs stated that he supports the second phase of these two projects.

- ▶ Clint Combs, 555 E. El Campo Grande, North Las Vegas, Nevada 89031

Mr. Combs stated he wanted to commend the Planning Commission on the time they put into the community. He also stated that he concurs with Robert Combs' comments, who is his father.

Chairman Stone closed the Public Hearing.

Commissioner Scott Albright stated the City's "big picture" is the Comprehensive Plan and there is no basis currently for changing it.

Mr. Gronauer stated that he understands this particular area is being reviewed and significant changes are coming soon.

Mr. Jordan stated staff's recommendation is only for site one which he indicated is the 9 ½ acres located east of North 5th Street, therefore if the Commission were to approve this amendment to the Comprehensive Plan, only that particular area would be approved and if it went forward to City Council only that particular area would be shown as being recommended for approval, as well as the legal description for that site one area would accompany it, but the legal description for the other side would not be included.

Mr. Jordan stated staff usually prefers to have situations such as this one to have both applications submitted as individual applications to eliminate confusion, however that is not how it was filed.

Jim Lewis, Deputy City Attorney, stated this is a recommendation from the Planning Commission and the Commission has the discretion to accept or reject staff's recommendation.

Commissioner Scott Albright MOVED and Commissioner Tom Langford SECONDED to DENY AMP-25-01 per staff's recommendations.

The motion carried by MAJORITY vote with Chairman Nelson Stone voting against the motion.

Item #28 AMP-25-01 and Item #29 ZN-34-01 are related and are being presented together.

29) ZN-34-01 (4931) 5TH AND FARM (Public Hearing)

An application submitted by Phillip Nourafchar on behalf of Fifth & Farm, LLC, property owner, for reclassification of property from an R-E Ranch Estates District and an R-2 Two-Family Residential District to a Planned Unit Development (PUD) consisting of 389 single-family homes. The property is generally located at the northeast corner of North Fifth Street and El Campo Grande Avenue. The Assessor's Parcel Numbers are 124-26-301-001, 124-26-301-003, 124-26-301-004, 124-26-303-001 and 124-26-202-006.

RECOMMENDATION:

The Development Services Department recommends that ZN-34-01 be denied because the proposed lots do not meet the minimum lot size requirement of 4,500 square feet as suggested by the Comprehensive Plan, the proposed development does not comply with the open space requirements for a Planned Unit Development and the proposed development does not appear to comply with the purpose of the PUD district.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an accompanying application to the previous Item #28 AMP-25-01, and based upon the decision of the Planning Commission on Item #28 AMP-25-01, this site would not comply with the Comprehensive Plan therefore staff's recommendation is for denial of this item. He stated that according to the site plan the applicant proposed lots that were approximately 4,000 square feet in size, whereas the Comprehensive Plan recommends lots that are a minimum of 4,500 square feet in size. He also stated that according to the PUD requirements for open space, the site is required to have approximately 6.41 acres of open space, whereas factoring in the fact that the applicant was going to use a portion of the perimeter landscaping, they would have approximately 6.12 acres of open space, slightly short of the required amount of open space for this area, likewise staff had concerns regarding the usability of some of that open space.

Bob Gronauer, 3800 Howard Hughes Parkway, 7th fl, Las Vegas, Nevada 89109 appeared on behalf of the applicant.

Brad Burns, of Centex Homes, 3600 N. Rancho Drive, Las Vegas, Nevada 89130 appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. He stated all comments stated under Item #28 AMP-25-01 shall be incorporated herein with this item.

Commissioner Albright stated he believes that when the Comprehensive Plan was developed traffic, the beltway and all land uses were taken into consideration.

Commissioner Tom Langford MOVED and Commissioner Scott Albright SECONDED to DENY ZN-34-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

30) UN-73-01 (4940) BEREAN CHURCH (Public Hearing)

An application submitted by the Berean Christian Fellowship Church on behalf of Glen and Nancy Froistad, property owners, for a use permit in an R-CL Residential Compact Lot District to allow an off-site parking lot for a church. The property is generally located at the northeast corner of Martin Luther King Boulevard and Windsor Avenue. The Assessor's Parcel Numbers are 139-16-610-297 and 139-16-610-327.

RECOMMENDATION:

The Development Services Department recommends that UN-73-01 be denied because the parking lot is neither necessary, nor compliant with all codes and ordinances.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this application was originally considered by the Planning Commission on 9/12/01, but was continued to this meeting date at the request of the applicant. He stated originally staff recommended denial and still does, simply because the proposed parking lot would be developed in a residential area that would be surrounded by residential uses on three (3) sides, and on the west side there would actually be Martin Luther King, Jr. Boulevard. Mr. Jordan stated this item was actually continued to allow the applicant an opportunity to file a letter requesting a waiver from the Commercial Design Standards. They are proposing approximately 17.5 feet of landscaping next to Martin Luther King, Jr. Boulevard, 10 feet of landscaping next to Windsor and Reverend Wilson Drive, and also they are complying with the 20 feet of landscaping adjacent to the east property line. He stated in the past normally when staff reviewed churches, staff applied the Commercial Design Standards when possible, however there is usually much flexibility regarding a church design as they are not actually a commercial building, and likewise in the past there have been parking lots as part of a church where staff recommended approval of waivers of the landscaping requirements to be able to allow the parking lots to be able to function and work for the church. He stated staff's recommendation is for denial for this item based upon the concerns of the parking lot, if however the Planning Commission were to decide an approval is warranted, staff does not have an objection to waiving the requirements and there are some conditions suggested by staff.

Jim VanConpernelle, 4290 Cameron Suite 2, Las Vegas, Nevada 89103 appeared on behalf of the applicant who stated this is an annexed parking lot for a church the Planning Commission approved a use permit for two (2) weeks ago and the purpose of the application is to allow so overflow parking for the church. He stated they do not want the church to become a nuisance to the neighborhood and he feels this additional parking would reduce church members parking on the residential streets. He stated he has seen the conditions staff is recommending, if this item is approved, however he stated he would like to know, with regard to Standard Condition #1, item #1, which is a parking or traffic study, he would like to know why that would be recommended for a 33 lot parking lot.

Chairman Nelson Stone asked if a traffic study is required.

Jim Lewis replied that a traffic study is not required.

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

Commissioner Tom Langford stated he supports this application as he feels it is necessary for the church and believes they should have the parking lot.

Commissioner Dean Leavitt stated he concurs with Commissioner Langford's comments and supports this application.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Tom Langford SECONDED to APPROVE UN-73-01 per staff's recommendations subject to the following change:

Delete Standard Condition #1.

The motion carried by UNANIMOUS vote.

31) T-882 (4782) JASMINE CONDOMINIUMS

An application submitted by Taney Engineering on behalf of Mohawk Valley Partners LLC and Matonovich Family Trust, property owners, for a tentative map review in an R-3 Multi-family Residential District. The property is generally located at the northwest corner of Valley Drive and El Campo Grande Avenue. The Assessor's Parcel Numbers are 124-30-303-003 and 004.

RECOMMENDATION:

The Development Services recommends that Tentative Map 882 (T-882) be approved subject to the following conditions:

1. Standard Conditions: 1, 2, 3, 7, 11, 15, 26, 27 and 31.
2. That if the community is a gated community, a queuing analysis will be required
3. That fiber-optic conduit is required on the Tropical Parkway and Valley Drive Frontages.
4. That the installation of sprinklers for fire suppression is required in each residential unit, with alarms transmitted off-site to a central monitoring station.
5. That all applicable conditions of SPR-24-01 be satisfied prior to the recording of a final map for this project.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Development Services Department recommends this application be approved subject to five (5) conditions.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE T-882 per staff's recommendations.

The motion carried by UNANIMOUS vote.

32) SPR-23-01 (4728) AMERICAN STONE

An application submitted by Gerald Garapich, AIA, LLC, on behalf of Stone Mountain Management, LLC, property owner, for a site plan review in an M-2 General Industrial District and for a waiver of landscaping and perimeter fencing requirements. The property is generally located west of Civic Center Drive approximately 640 feet north of Gowan Road. The Assessor's Parcel Number is 139-12-201-012.

RECOMMENDATION:

The Development Services Department recommends that SPR-23-01 be denied because the proposal fails to provide adequate screening for outdoor storage yards, and fails to provide a compelling reason for granting of the requested waivers of the Industrial Design Standards.

If however, the Planning Commission were to determine that approval of the site plan review is warranted at this time, staff recommends the following conditions:

1. Standard conditions: 1, 2, 3, 11, 15, 26 and 27
2. That easements are required for all commercial driveways and RPPA's.
3. That fiber optic conduit along the Civic Center Drive frontage is required.
4. That the site shall comply with the Industrial Design Standards, including but not limited to:
 - A. Twenty-feet of landscaping shall be provided adjacent to Civic Center Drive.
 - B. A six-foot-wide planter shall be provided at the end of each row of parking and for every fifteen parking stalls within each row.
 - C. Perimeter fencing shall be constructed of an acceptable decorative material in accordance with ordinance requirements.
5. That the two proposed forty-foot entrances along the southern property line be removed; and that the applicant discontinue operation on the southern lot and remove the signage and stored materials.
6. The driveways must meet CNLV standards.
7. That the existing billboards along Interstate 15 shall be brought into compliance with Zoning Ordinance Requirements by their removal or through the application of a use permit prior to the application of any building or grading permits at the site.

The application was presented by Chris Melendrez, Associate Planner, on behalf of staff who indicated the Development Services Department recommends this item be denied as it fails to provide adequate screening, however if the Planning Commission decides an approval is warranted, staff has listed seven (7) conditions of approval.

Kelly Thomas, 6151 Mountain Vista, Las Vegas, Nevada 89104 appeared on behalf of the applicant who stated concurs with four (4) of the suggested conditions by staff, and is concerned about the remaining conditions. He stated that he concurs with conditions #1, 2, 3, 4b, 6 and the areas of concern are item 4a, which he would like to see the applicant be allowed to develop this area with only ten (10) feet of landscaping adjacent to civic center as opposed to twenty (20) to be consistent with the existing development and it would allow them to go back to what was previously approved.

He stated he would like to see more specific language in the conditions that specify where exactly the screening is to be located.

Commissioner Anita Wood stated, with regards to condition 4a the requirement is twenty (20) feet of landscaping and the applicant is requesting ten (10) feet of landscaping, and stated this is consistent with existing development, and she asked what existing development the applicant is referring to.

Mr. Thomas replied that he does not believe there is any development across the street, however he was not referring to necessarily an adjacent location.

Commissioner Wood stated that there will be site, soon, in that area that have twenty (20) feet of landscaping.

Commissioner Anita Wood asked staff if they have reviewed a new set of proposed conditions submitted by the applicant.

Mr. Melendrez stated this is the first they are seeing these conditions.

Chairman Stone asked if it would be better to continue this item for two (2) weeks so that staff would have an opportunity to review these newly proposed conditions. He stated that the Deputy City Attorney may need some time to review these conditions.

Mr. Jordan stated with regard to condition #7 on billboards, the ordinance contains procedures that whenever a structure is developed on a piece of property, those billboards require a special use permit, as well as the City's Zoning Ordinance has procedures regarding legal, nonconforming uses in that when a site develops or there is expansion, there are certain requirements that those legal, nonconforming uses would be subject to. He stated that condition may be covered by ordinance procedures that can not be considered at this time.

Mr. Lewis stated it is difficult to properly evaluate these newly proposed conditions tonight at this meeting.

Chairman Stone asked Mr. Thomas if he would be in agreement to continue this item for two weeks.

Mr. Thomas replied that he would not be opposed to a two week continuance.

Chairman Nelson Stone MOVED and Vice-Chairman Harry Shull SECONDED to CONTINUE SPR-23-01 to the 10/10/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 10/10/01.

The Planning Commission went back to Item #19 ZN-41-01 as it was continued to the end of this meeting.

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.

No members of the public came forward.

DIRECTOR'S BUSINESS:

Steve Baxter, Planning Manager, stated there is going to be a cell tower workshop on Saturday October 6, 2001 at 11:00 AM. He also spoke of another workshop for the commercial locations east of Revere Street and North of Ann Road. Marc Jordan, Senior Planner, spoke of screening issues with regard to the City's Zoning Ordinance. He stated the issue is to specify the word "fence" and he suggested that the zoning ordinance be amended to remove the specific word "fence."

CHAIRMAN'S BUSINESS:

None

ADJOURNMENT:

11:30 PM

A motion to ADJOURN the September 26, 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