

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Jay Aston, Chairman
Dean Leavitt
Nelson Stone
Harry Shull

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Jo Cato, Vice-Chairman
Dilip Trivedi
Steve Brown

Planning Commission MINUTES are available on the internet at:
www.cityofnorthlasvegas.com

August 11, 2004

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall
2200 Civic Center Drive, at 7:06 p.m.

ROLL CALL:

Jay Aston - Present
Harry Shull - Present
Dean Leavitt - Present
Nelson Stone - Present
Jo Cato - Present
Steve Brown - Present
Dilip Trivedi - Present

STAFF PRESENT:

Jory Stewart, Planning and Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Planner
Randy Cagle, Public Works
Kevin Futch, Transportation Services
Jimmy Johnson, Fire Department
James Lewis, Senior Deputy City Attorney
Tony Taylor, Parks and Recreation
Jo Ann Lawrence, Recording Secretary

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

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

PLEDGE OF ALLEGIANCE:

Commissioner Dilip Trivedi

MINUTES

Approval of the MINUTES for the Planning Commission meeting of July 14, 2004.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE the minutes of the July 14, 2004 Planning Commission Meeting.

The motion carried by UNANIMOUS VOTE.

Approval of the Minutes for the Planning Commission meeting of July 28, 2004.

The item was CONTINUED TO AUGUST 25, 2004.

CONSENT AGENDA

A) PW-127-04 (16589) NVE PARCEL 32A

Approve the Subdivision Off-Site Improvements and Agreement by KB Home Nevada, Inc. and accept the Performance Bond in the amount of \$741,000.32.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE PW-128-04.

The motion carried by UNANIMOUS vote.

B) PW-128-04 (16593) CHEYENNE VALLEY

Accept the Commercial Developments Off-Site Improvements Agreement by Lyle Brennan SSP Trust, and accept the Performance Bond in the amount of \$121,243.16.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE PW-128-04.

The motion carried by UNANIMOUS vote.

C) PW-129-04 (16594) WATERBOOK PLAZA

Advise the Director of Public Works to notify Contractors Bonding Insurance Company to release the Subdivision Bond in the amount of \$28,043.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE PW-129-04.

The motion carried by UNANIMOUS vote.

Item No. 33 was heard next.

NEW BUSINESS**1) AMP-66-04 (16175) FAMILY MEDICAL CLINIC (Public Hearing)**

An application submitted by Cynthia P. Villaluz on behalf of the Villaluz Family Trust, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to Office. The property is located at 2312 Perliter Avenue. The Assessor's Parcel Number is 139-23-712-058.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of AMP-66-04 and that it be forwarded to City Council for final consideration.

Phillip Thompson, 1563 Porterfield Lane, Las Vegas, NV 89123 appeared on behalf of Dr. Villaluz of the Family Medical Clinic, stating he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.
Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE AMP-66-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

AMP-66-04 was APPROVED.

2) ZN-66-04 (15700) FAMILY MEDICAL CLINIC (Public Hearing)

An application submitted by Cynthia P. Villaluz on behalf of the Villaluz Family Trust, property owner, for a reclassification of property from an R-1 Single-Family Residential District to a C-P Professional Office Commercial District. The property is located at 2312 Perliter Avenue. The Assessor's Parcel Number is 139-23-712-058.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-66-04 and that it be forwarded to City Council for final consideration.

Phillip Thompson, 1563 Porterfield Lane, Las Vegas, NV 89123 appeared on behalf of Dr. Villaluz of the Family Medical Clinic, stating he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.
Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE ZN-66-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

ZN-66-04 was APPROVED.

3) AMP-67-04 (16206) DORRELL/GOLDFIELD HIGH SCHOOL (Public Hearing)

An application submitted by Clark County School District on behalf of the Bureau of Land Management, property owner, for an amendment to the Master Plan of Streets and Highways to delete Commerce Street between Deer Springs Way and Dorrell Lane. Assessor's Parcel Number is 124-22-601-001.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of AMP-67-04 and that it be forwarded to City Council for final consideration.

Carol Bailey, 4212 Eucalyptus Avenue, Las Vegas, NV 89121-5207 appeared on behalf of Clark County School District and introduced Justin Jones with PBS & J, stating she concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants. Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt stated the School District has access to 120 acres when 40 acres are usually used for a school site and asked if there were other schools planned for the site. Ms. Bailey responded an elementary school and a potential middle school were also planned for the site. She stated the design they were working with Staff on those projects.

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to APPROVE AMP-67-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

AMP-67-04 was APPROVED.

Item No. 23 was heard next.

4) AMP-68-04 (16257) TIERRA DE LAS PALMAS (Public Hearing)

An application submitted by Integrity Partners, LLC on behalf of the Lied Foundation Trust, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Neighborhood Commercial to High Density Residential. The property is located at the northeast corner of Lone Mountain Road and Simmons Street. The Assessor's Parcel Number is 124-32-810-001.

Commissioner Nelson Stone stated he would be abstaining from this item as the company he works for has a potential business interest in the property. Commissioner Stone left Chambers at 8:25.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated the property was originally rezoned under a Resolution of Intent in 1993 and in August, 1999 the property received permanent zoning of PUD. As part of the PUD, the property was originally designated as a commercial component of the full PUD that was approved. The applicant is now requesting R-3 zoning. Based upon the guidelines for the Amendment to the Comprehensive Plan, the property should be located at the intersection of two 100 foot streets, Lone Mountain Road is an 80 foot right-of-way and Simmons Street is a 100 foot right-of-way. There are some guidelines that deal with multi-family being ordered by lower density residential. The property is surrounded by single-family on all sides with the exception of a portion of the property to the south that is being developed as commercial. The property to the north and east, though it is single-family, is actually being developed with lots that average 2400 square feet with a density of about 13 units to the acre. Since the area has been slow to develop as commercial and there is quite a bit of commercial already approved about one-half mile to the south near the intersection of Craig Road and Simmons Street, Staff does not believe it will develop as commercial; furthermore, to develop as single family with 4500 square foot lots or larger might be unlikely due to the adjacent small lot development; therefore, Staff believes this would be a transitional type zoning and has no objection to the proposed request for R-3 zoning and are recommending approval of AMP-68-04 and that it be forwarded to City Council for final consideration.

Bob Gronauer of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

Marc Jordan, Planning Manager stated he had a letter from Charlene Halverson, indicating she was opposed to this item.

Chairman Jay Aston opened the Public Hearing. The following participants were called to come forward:

- Michael Dodge, stated he owned property at 4642 Kodiak Hill, North Las Vegas, NV 89031 that backs on Simmons Street. He was concerned that apartments in the neighborhood would devalue his property and the road would not be able to accommodate the traffic caused by the development of apartments. He did not feel the developer should be able to profit at the cost of the homeowners in the area.

- Charlene Halverson, 2501 Trustworthy Avenue, North Las Vegas, NV 89031 stated she lived adjacent to the property being rezoned. She stated she just purchased her home three months ago and would not have purchased it had she known apartments would possibly be in her neighborhood. She was also concerned about the added traffic, security, police and fire protection and asked if there would be enough power to supply the additional growth, as her power had been out several times during the summer, and was opposed to this item.
- Peggy Sell, 2607 Commitment Court, North Las Vegas, NV 89031 stated before she purchased her home, she contacted the Planning Department to check the zoning of the properties around the development. There was no high density zoning in the area at that time. She stated she was concerned about the added traffic and was opposed to this item.
- William R. Horn, 2601 Bahama Point Avenue, North Las Vegas, NV 89031 stated guidelines were to protect the homeowners so he didn't agree with waiving guidelines to allow for an apartment complex. He stated he bought in an area with a homeowners association and knew it would be single unit dwellings. He stated he was happy living in North Las Vegas but was opposed to this item.
- Robert L. Riemer, 2604 Bahama Point Avenue, North Las Vegas, NV 89031 stated he purchased his home two years ago and understood the property was a PUD with commercial. He felt by converting this parcel to high density residential and R-3 it doesn't satisfy the PUD because of the population density already in the area. Also, it was not clear from the application how much of the property would be high density and how much would be R-3. He stated having apartments would mean an increase in vandalism, graffiti, and broken windows and was opposed to this item.
- Joe Bitsky, President of Autumn Chase Home Owners Association, 2906 Pumpkin Harvest, North Las Vegas, NV 89031 appeared on behalf of 80 percent of the homeowners in the association and stated they were opposed to this item and felt the property values would decrease and the quality of life would diminish..
- Eric Young, 2531 Parasail Point Avenue, North Las Vegas, NV 89031 stated he was a realtor in Tierra De Las Palmas and they also live there. He is concerned about the zone change. He stated the community could use more commercial in the area as they did not have easy access to services. He felt traffic would increase with higher density residential and was opposed to this item.
- Sherry Duran, 3215 Lost Mesa Court, North Las Vegas, NV 89031 stated she did not receive notification of the rezoning. She found out from a neighbor. She stated she had lived in that neighborhood for ten years and had seen the growth and felt if this rezoning was approved, there would be other properties rezoned for high density and was opposed to this item.

Chairman Aston closed the Public Hearing.

Bob Gronauer stated there has been no multi-family zoning coming through the system in the last couple of years. There has been a high demand of single-family homes because of low interest

rates. The fact is in the City of North Las Vegas, the vacancy rate for multi-family, for apartments is just about nil. So, obviously, there is a need for multi-family. When you look at the master plan for areas to place multi-family, it should be put in places where there is infrastructure in place or by the approval, it will put in the infrastructure in the area. Mr. Gronauer stated when the the intersection of Lone Mountain and Simmons is fully developed along with the other property along Simmons, it will improve traffic. Simmons Street is a major arterial that leads to the beltway. He stated when the PUD was approved, it appeared that the commercial at this location would be appropriate but over the years, there has been commercial proposed or already built and commercial is not really necessary in this area. He pointed out changes in the Master Plan are based on the market and feels this is an appropriate location for multi-family and he concurred with Staff recommendations.

Commissioner Steve Brown asked about the density of the properties behind the proposed development. Marc Jordan, Planning Manager, responded the property to the north and south is about 13.5 dwelling units to the acre. Mr. Brown asked if the proposed R-3 would go from 12 to 23 if the zoning were approved. Mr. Jordan responded the AMP allowed up to 18 units per acre; however, the R-3 zoning would allow up to 25 units per acre. Commissioner Brown asked if the zoning took precedence over the AMP. Mr. Jordan responded it did.

Vice-Chairman Jo Cato asked Staff about the public hearing notification. Many residents stated they were not notified and asked Staff to go over the guidelines for notification. Marc Jordan, Planning Manager stated they are required to notify property owners within 500 feet from the exterior boundaries of the property being rezoned. They use the Clark County Assessor's records and use whatever addresses are on the records. Vice-Chairman Cato also stated a couple of months ago, she was looking for an apartment to rent and was unable to do so. She stated she felt there was a need for more apartments in North Las Vegas but was not sure if this area was appropriate.

Commissioner Dean Leavitt asked Mr. Gronauer if he had an opportunity to meet with the residents on this issue. Mr. Gronauer responded he had not; however, as he was retained late in the process and his understanding was the applicant did have communication with a management company for one of the homeowners associations in July and also in the beginning of August to discuss and meet with the neighbors to work out whatever issues they might have with the project. Mr. Gronauer stated if he were able to hold the item for two weeks, if the neighbors wanted to discuss additional issues or conditions on the application. The property is subject to an escrow agreement and cannot get additional time. Escrow has to be closed by a certain date at the City Council level that is currently scheduled.

Commissioner Harry Shull stated he felt all types of housing are needed in residential neighborhoods. High density housing contiguous to this property has more density than some apartment projects and he doesn't feel it has hurt property values. He felt R-3 was an appropriate use for this property.

Commissioner Steve Brown stated the problem with traffic on Simmons was due to the half-street improvements in the area. He asked if traffic was involved in an AMP. Staff indicated they are not. He asked if the AMP and zone change were approved, were there other steps before an apartment complex was approved. Staff indicated yes.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to APPROVE AMP-68-04 per Staff's recommendations.

The motion failed with Chairman Jay Aston and Commissioner Dean Leavitt voting NO and Commissioner Nelson Stone abstaining.

Commissioner Steve Brown MOVED and Chairman Jay Aston SECONDED to DENY AMP-68-04

The motion failed with Vice-Chairman Jo Cato, Commissioners Harry Shull, Steve Brown and Dilip Trivedi voting NO and Commissioner Nelson Stone abstaining.

Commissioner Steve Brown MOVED and Commissioner Harry Shull SECONDED to SEND AMP-66-04 to City Council without a recommendation.

The motion carried by UNANIMOUS vote with Nelson Stone Abstaining.

AMP-66-04 was APPROVED.

5) ZN-82-04 (16263) TIERRA DE LAS PALMAS (Public Hearing)

An application submitted by Integrity Partners, LLC, on behalf of the Lied Foundation Trust, property owner, for reclassification of property from a PUD Planned Unit Development District to an R-3 Multi-Family Residential District. The property is located at the northeast corner of Lone Mountain Road and Simmons Street. The Assessor's Parcel Number is 124-32-810-001.

Commissioner Nelson Stone stated he would be abstaining from this item as the company he works for has a potential business interest in the property.

RECOMMENDATION:

Marc Jordan, Planning Manager stated since AMP-68-04 failed, Staff's only recommendation would be for denial of ZN-82-04.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant, stating he understood a motion for denial would be made to move the item to the City Council and declined to make further comment.

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

- Michael Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89031 stated apartments would substantially increase the density and pointed out if North Las Vegas needs more apartments, there is plenty of open space along Ann Road and Craig Road which are appropriate for those type of projects. He was upset to learn that the property was in escrow and asking for the rezoning before escrow closes.
- Peggy Sell, 2607 Commitment Court, North Las Vegas, NV 89031 stated she lived in apartments and knows first hand children living in apartment unattended get into trouble. She was also concerned the property was in escrow while asking for a zone change. She also stated there is a shortage of apartments due to the fact that many apartment are being converted to condos. Ms. Sell asked for an explanation of an item going forward to Council without a recommendation.

Jim Lewis, Sr. Deputy City Attorney explained a super majority vote was needed to move forward with a recommendation for approval to City Council. In this case, there was not a super majority Vote. Only four voted to approved; therefore, that motion failed. Because a motion needs to be approved to move forward, the Commission was asked to make another motion and vote. It was for denial. A majority vote was needed but that also failed because only two voted to deny. The only other option was to send the item forward to City Council without a recommendation from the Commission. Chairman Jay Aston responded that Item No. 4 and Item No. 5 would go forward to City Council. Ms. Sell asked she needed to send something in writing to City Council or if the residents would be notified when the item went to City Council. Marc Jordan, Planning Manager responded if the rezoning were denied, the applicant would need to appeal it to City Council and when the item goes to City Council, there would be a public hearing scheduled for which the surrounding property owners would be notified.

- William Horn, 2601 Bahama Point Avenue, North Las Vegas, NV 89031 stated there was not only a shortage of apartments, but there has also been a shortage of homes. There is a need for all types of housing because of the population growth. He stated he bought a home to get away from apartments, not to have them put in his back yard.
- Robert L. Riemer, 2605 Bahama Point Avenue, North Las Vegas, NV 89031 stated the

density in the area is already high and to put a higher density development like apartments doesn't make sense. The Lied Foundation is a massive land holder in the Valley and they do good work but to change the zoning on this property is a mistake.

- Eric Young, 2531 Parasail Point Avenue, North Las Vegas, NV 89031 stated there were appropriate places for apartments and there are places less appropriate. He stated when he was an apartment dweller, he was not a neighbor anyone would liked to have had.
- Charlene Halverson, 2501 Trustworthy Avenue, North Las Vegas, NV 89031 stated she lived adjacent to the property being rezoned. She stated she just purchased her home three months ago and would not have purchased it had she known apartments would possibly be in her neighborhood. She was also concerned about the added traffic, security, police and fire protection and asked if there would be enough power to supply the additional growth, as her power had been out several times during the summer, and was opposed to this item.
- Joe Bitsky, President of Autumn Chase Home Owners Association, 2906 Pumpkin Harvest, North Las Vegas, NV 89031 stated he wanted to keep the area single family. He would be okay with high density residential but does not want to see multi-family residential in the area.
- Sherry Duran, 3215 Lost Mesa Court, North Las Vegas, NV 89031 stated she did not receive notification of the rezoning. She found out from a neighbor. She stated she had lived in that neighborhood for ten years and had seen the growth and felt if this rezoning was approved, there would be other properties rezoned for high density and was opposed to this item.

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato stated she understood the residents' concern and wanting to maintain their quality of life. She was on a waiting list for a new home and needed a place to live because her existing home sold quickly. She was unable to find an apartment and felt there was a need for apartments and condos in North Las Vegas and there are not too many developers wanting to build these types of projects in North Las Vegas.

Commissioner Steve Brown stated he appreciated the input from the residents and stated the final decisions for AMP's and Zoning changes are made by City Council and the concerns of the residents should be taken to City Council.

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to DENY ZN-82-04.

The motion carried by UNANIMOUS vote with Commissioner Nelson Stone Abstaining.

ZN-82-04 was DENIED.

There was a break in proceedings at 9:20.

The meeting reconvened at 9:35.

6) AMP-69-04 (16261) DEER SPRINGS AND LOSEE (Public Hearing)

An application submitted by Picerne Development Corporation, on behalf of Marlida, Inc., property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to HDR High Density Residential. The property is located at the southeast corner of Losee Road and Deer Springs Way. The Assessor's Parcel Numbers are 124-24-301-001 and 124-24-301-002.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending denial of AMP-69-04 due to the proposal not being consistent with the Guidelines for new High Density Residential established by the Comprehensive Plan.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of Picerne Development stating this project was well suited for the area. There are commercial uses in the area. There is no existing single-family in the area. He stated they met the intent of the land use guide. There is a place and a need for multi-family in North Las Vegas.

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

- Linda Cooper, 1604 Palomino Farm Way, North Las Vegas, NV 89081 stated there are all single family homes in that area. There is a lot of vacant land and she was concerned that if multi-family was approved, there would be requests for more. She submitted a letter and list of names of people who were opposed to this development. She stated the traffic on Losee was a mess and if apartments were added to the area, the traffic would get worse.

Commissioner Nelson Stone asked Ms. Cooper where she lived in proximity to the proposed project. Ms. Cooper responded she lived off of Centennial Parkway and Bruce Street.

Chairman Aston closed the Public Hearing.

Marc Jordan stated he had one letter of opposition from Renae Carlson.

Bob Gronauer stated because of the large parcel of property in the area, Staff had to give notification to a minimum of 30 property owners and the letter of opposition that was reviewed, the person lives approximately one mile from the corner of the property to the location of her home. He does not feel this project would have any impact on her property. If there was any impact, it might be from the Smith's Shopping Center going in. He reiterated this was a good location for the proposed project.

Commissioner Steve Brown asked Mr. Gronauer if the properties directly south were a PUD and Ranch Estates. Mr. Gronauer responded that was correct. Commissioner Brown asked if anyone was living on the R-E zoned parcels. Mr. Gronauer responded the property was vacant. The closest subdivision is a distance away. Commissioner Brown asked Staff if they were opposed to this item was because they were sandwiching a PUD and the PUD that was approved is a single-family residences with 4500 square foot lots. Mr. Jordan responded that the PUD to the south was approved as single-family detached dwelling units with minimum lot sizes of 4500 square feet,

approximately 5.5 units per acre. Staff is opposed to this because under normal planning principles you would look for a transition and when the PUD was approved, it was approved, according to the applicant, as transitional zoning and in this case, going north of it, and asking for a higher density, you usually don't go from high density to low density to high density, you are now creating an island of medium-low density residential and surrounding it. Because there is nobody living out there to speak against the rezoning, isn't what is normally looked at. Staff looks at the whole plan and what would be reasonable zoning and reasonable transition. Mr. Gronauer stated his office handled the zoning of the PUD, so he spoke to the developer of the PUD and the developer did not have a conflict with the rezoning of this parcel and was willing to disclose the R-3 zoning. Commissioner Brown stated he would like to see apartments in that area but wasn't sure if it was a good idea to sandwich in a PUD.

Commissioner Harry Shull MOVED and Commissioner Nelson Stone SECONDED to APPROVE AMP-69-04.

The motion carried by UNANIMOUS vote.

AMP-69-04 WAS APPROVED.

7) ZN-83-04 (16259) DEER SPRINGS AND LOSEE (Public Hearing)

An application submitted by Picerne Development Corporation, on behalf of Marlida, Inc., property owner, for reclassification of property from an R-E Ranch Estates District to an R-3 Multi-Family Residential District. The property is located at the southeast corner of Losee Road and Deer Springs Way. The Assessor's Parcel Numbers are 124-24-301-001 and 124-24-301-002.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending denial of ZN-83-04 due to the proposal not being consistent with the Guidelines for new High Density Residential established by the Comprehensive Plan.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of Picerne Development stating this project was well suited for the area. There are commercial uses in the area. There is no existing single-family in the area. He stated they met the intent of the land use guide. There is a place and a need for multi-family in North Las Vegas.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-83-04.

The motion carried by UNANIMOUS vote.

ZN-83-04 was APPROVED.

8) ZN-85-04 (16266) NORTHERN BELTWAY INDUSTRIAL (Public Hearing)

An application submitted by Thomas and Mack Co., on behalf of MKB Company, property owner, for reclassification of property from an M-1 Business Park Industrial District to an M-2 General Industrial District. The property is located at the southwest corner of Castleberry Lane and Tropical Parkway. The Assessor's Parcel Numbers are 123-28-801-001, 123-28-301-011 and 123-28-701-001.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of ZN-85-04.

George Garcia of GC Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he concurred with Staff recommendations.

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

Bill Mahan, 10 Vintage Court, Las Vegas, NV 89113 stated he had noticed in the past 18 months, some changes taking place. If M-2 is approved on this property, then when property owners want to build apartments on their O-L zoned property, they would not be able to. He is opposed to this rezoning as it will be detrimental to the surrounding properties and asked for this item to be tabled to give property owners time to respond to this item.

Chairman Aston closed the Public Hearing.

George Garcia stated there was a residential applicant in the nearby vicinity. With a great deal of input from Staff, special work sessions by the City Council and a great deal of consideration and deliberations by the developer who was looking at putting residential in the area, that application was withdrawn because they discovered there was as strong desire by the City, that has been reinforced through its annexations, through its master planning, through all of its actions to reserve this area to protect Nellis and protect the area for industrial development. The plan contemplates conformance to what the City has done and it conforms to the annexation requirements that when property is brought into the City it is brought in at a comparable district and the Staff reports spells out very clearly that this a housekeeping item only to make the zoning comparable to what it should have been when the annexation was accomplished.

Commissioner Nelson Stone MOVED and Commissioner Harry Shull SECONDED to APPROVE ZN-85-04.

The motion carried by UNANIMOUS vote.

ZN-85-04 was APPROVED.

Item No. 11 was heard next.

9) UN-03-04 (16179) LAKE MEAD & SIMMONS PLAZA (Public Hearing)

An application submitted by Simmons Associates, LLC, property owner, for an extension of time to a previously approved use permit in a C-1 Neighborhood Commercial District to allow the "on sale" of alcoholic beverages in conjunction with a tavern. The property is generally located south of Lake Mead Boulevard and approximately 225 east of Simmons Street. The Assessor's Parcel Number is 139-20-614-001.

RECOMMENDATION:

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston stated the Public Hearing would remain open until the item was heard in its entirety.

Commissioner Dean Leavitt MOVED and Commissioner Nelson Stone SECONDED to CONTINUE UN-03-04 TO AUGUST 25, 2004.

The motion carried by UNANIMOUS vote.

UN-03-04 WAS CONTINUED TO AUGUST 25, 2004.

10) UN-04-04 (16270) CENTENNIAL & SIMMONS (Public Hearing)

An application submitted by Resort Gaming Group on behalf of Simmons 15 LLC c/o Great American Capital, property owner, for an extension of time on a previously approved use permit in a C-1 Neighborhood Commercial District to allow the "on sale" of alcoholic beverages in conjunction with a tavern. The property is generally located east of Simmons Street and approximately 540 feet south of Centennial Parkway. The Assessor's Parcel Number is 124-29-501-004.

RECOMMENDATION:

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston stated the Public Hearing would remain open until the item was heard in its entirety.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE UN-04-04 TO AUGUST 25, 2004.

The motion carried by UNANIMOUS vote.

UN-04-04 WAS CONTINUED TO AUGUST 25, 2004.

Item No. 27 was heard next.

11) VN-09-04 (14083) AYALA TIM C (Public Hearing)

An application submitted by Tim C. Ayala on behalf of Elim Iglesia Pentecostes, Inc., property owner, for a variance in an R-1 Single-Family Residential District to allow a 6 foot rear setback where 50 feet is required for a religious institution. The property is located at 3720 Haddock Avenue. The Assessor's Parcel Number is 139-13-801-001.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending that VN-09-04 be denied as the applicant had not demonstrated that parking code requirements can be met.

Tim Ayala, 4600 Sunset Road, Las Vegas, NV 89014 appeared on behalf of the applicant stating the church had been there for more than 20 years. They are requesting to add a library, a pastor's office, and storage. The sanctuary would remain the same and he requested approval of this variance.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato asked Staff if a pastor's office and library were the only things being added, why they need to change the configuration of the parking. Mr. Jordan responded Staff could not find approval of a use permit for this item; therefore, under Title 17, this would be a non-conforming use and expansion of any non-conforming use would be required to comply with all current codes and ordinances and by expanding it for the library and office, at that time the applicant would need to demonstrate compliance with other codes and ordinances and one of the codes is for parking. According to the floor plan given, they have an existing sanctuary space that would require 24 parking spaces and they would need to produce that.

Chairman Aston asked if the use permit was being heard first or the variance. Mr. Jordan responded the variance was being heard first, because by approving the six foot set-back for the expansion area, they would not be able to get a building permit without them complying with the parking. As indicated, this item was originally presented at the March 10, 2004 Planning meeting and Mr. Ayala was asked to supply a site plan that would support the item and he has not done so. Based on code requirements Staff is in a position to have to recommend denial for non-compliance with the code.

Vice-Chairman Cato asked Mr. Ayala if he had tried to work with Staff on the site plan. Mr. Ayala responded that he had provided a site plan but the problem was that he cannot add more parking because the site is 17,000 square feet. The pastor of the church bought the parcel on the north side and combined them into one parcel so they could add more parking, but the site is still too small. Vice-Chairman Cato asked if it was possible to make the library smaller so when the parking calculation is done, the 17 spaces would be okay. Mr. Ayala stated there is a power pole in the center of the property they have to work around.

Chairman Jay Aston asked Mr. Ayala if there was some kind of documentation as to what kind of

vehicle traffic there was on the days worship took place. Mr. Ayala responded the congregation is only 20 people and has been there a long time. Most people who attend the church, live in the area, so they walk to church.

Commissioner Steve Brown asked when the addition is done if the parking spaces would stay the same. Mr. Ayala responded they would remain the same. Commissioner Brown asked when the additional parcel was purchased and the additional building was added why there was still not room for more parking. Mr. Ayala responded the landscape was added in the front, side and back of the property and because of the landscaping there is not room for more parking. Commissioner Brown asked Sr. Deputy City Attorney Jim Lewis if it would be legal to approve this item. Mr. Lewis responded it was up to the Commission whether or not they approved the application.

Commissioner Dilip Trivedi asked Mr. Ayala where the library was located as he did not see it on the floor plan. Mr. Ayala responded the Children's Sunday School was also the library. Commissioner Trivedi stated if the occupancies were non-simultaneous then we could consider approving the item with existing parking as is if none of the neighbors are complaining about parking on the streets.

Marc Jordan stated if the variance and use permit were approved, when the applicant filed for his building permit for the addition, Staff would be looking at the parking and if the applicant cannot demonstrate there is adequate parking, the Staff would not be able to approve the building permit as parking is an ordinance requirement, it cannot be approved through a variance.

Vice-Chairman Cato asked what the parking calculation was based on. Mr. Jordan responded it was based on the sanctuary space.

Commissioner Steve Brown asked the applicant if there were only 20 people who attend church, if he could draw up a site plan showing there was limited seating, that there was not room for 96 people and continue this application for two weeks. Mr. Ayala responded he could do that. Mr. Jordan stated that is what Staff had been requesting, so if the applicant could demonstrate the occupancy of the sanctuary, they could take another look at the parking.

Commissioner Steve Brown MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE VN-09-04 TO AUGUST 25, 2004.

The motion carried by UNANIMOUS vote.

VN-09-04 WAS CONTINUED TO AUGUST 25, 2004.

12) UN-30-04 (14371) AYALA TIM C (Public Hearing)

An application submitted by Tim C. Ayala on behalf of Elim Iglesia Pentecostes, Inc., property owner, for a use permit in an R-1 Single-Family Residential District to allow an expansion to an existing church. The property is located at 3720 Haddock Avenue. The Assessor's Parcel Number is 139-13-801-001.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending that UN-30-04 be denied as the applicant had not demonstrated that parking code requirements can be met.

Tim Ayala, 4600 Sunset Road, Las Vegas, NV 89014 appeared on behalf of the applicant stating the church had been there for more than 20 years. The are requesting to add a library, a pastor's office, and storage. The sanctuary would remain the same and requested approval of this variance.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to CONTINUE UN-30-04 TO AUGUST 25, 2004.

The motion carried by UNANIMOUS vote.

UN-30-04 WAS CONTINUED TO AUGUST 25, 2004.

13) UN-108-04 (16182) HANSHEW SHARON (Public Hearing)

An application submitted by Sharon Hanshew, property owner, for a use permit in an R-1 Single-Family Residential District to allow the reconstruction of a Single Family home with 2 waivers and without a garage. The property is located at 3424 Juelene Way. The Assessor's Parcel Number is 139-13-517-001.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who indicated Staff was recommending approval of UN-108-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The Use Permit (UN-108-04) is site specific and non-transferable.
3. The proposed development shall comply with the Single-Family Residential Design Guidelines, except:
 - a. Asphalt shingles may be used as the roofing material.
 - b. The air conditioning unit may be located on the roof.

Harold Hanshew, 1219 Crescent Moon Drive, North Las Vegas, NV 89031 stated he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to APPROVE UN-108-04.

The motion carried by UNANIMOUS vote.

UN-108-04 WAS APPROVED.

14) UN-109-04 (16184) EMPIRE MEDIA ADVERTISING (Public Hearing)

An application submitted by Empire Media, on behalf of Mary Bartsas 14 LLC, property owner, for a use permit in an M-2 General Industrial District to allow a 60 foot high off-premise sign (billboard). The property is generally located approximately 465 feet north of Cheyenne Avenue and east of Losee Road. The Assessor's Parcel Number is 139-11-801-005.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who indicated Staff was recommending UN-109-04 be denied as Staff's calculations indicate there are two existing billboard signs that are within the 750 foot separation requirement.

Michael Cordero, 5521 Magi Ranch Court, Las Vegas, NV 89131 appeared on behalf of Mary Batsas stating the application was well within the industrial area and there are no residents who would be affected by the billboard. There is a billboard to the north of the property, a 14 by 48 sign which is greater than 750 feet away. There is another sign to the south of the location which is also greater than 750 feet from the proposed billboard. The billboard to the south is showing to the overpass on Cheyenne. There is a casino across the freeway from the location. He stated they did comply with the code written for off-premise billboard signs and with that he asked for recommendation of approval.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Marc Jordan, Planning Manager, showed an aerial view of the property and pointed out the existing billboards and where the proposed billboard would be located. He measured the distance between two of the billboards and it was approximately 612 feet. He pointed out the location of another billboard and it appeared to be about 540 feet from the proposed billboard location.

Mr. Cordero stated the billboard that was pointed out to the south, faces Cheyenne Avenue. The code stated it should be 750 foot separation in a linear measurement not a radius and the other billboard pointed out was on Losee Road. It is a small poster panel and the billboard he is proposing is a 750 foot separation along the same road.

Commissioner Nelson Stone stated he had a hard time supporting this application. He felt with the billboards being 750 feet apart there wasn't enough time for a motorist to read the second sign.

Sr. Deputy City Attorney Jim Lewis stated whether you are talking about radial measurement or lineal measurement, along I-15, what linear measurement means is in a straight line. What was shown on the map was from point to point in a straight line. Mr. Lewis stated a building permit would not be issued even if this item were approved by the Commission because it would be violating the code.

Mr. Cordero stated he did not understand the code. He interpreted it to mean 750 feet along the I-15 freeway not 750 feet in any direction. Chairman Aston asked If Mr. Cordero would like to continued the item for two weeks. Mr. Cordero stated the two billboards in the area of his proposed billboard are actually showing to different roads, one is showing to Cheyenne and the other is

showing to Losee Road and his proposed billboard is showing to I-15. Mr. Lewis stated continuing the item for two weeks would not change the opinion of the Planning Department or the City Attorney's office. If the item is denied, it can be appealed to the City Council.

Commissioner Steve Brown asked Staff if the applicant provided a survey that would indicate the distance between billboards. Marc Jordan, Planning Manager responded a survey was not provided. The application was accepted for processing but did not indicate it would be approved or that it met all of the requirements. Commissioner Brown explained the billboard being discussed was along I-15 and it is less than 750 feet according to their estimates. Mr. Cordero stated he understood that but his argument was that the billboard was facing east and west and I-15 is north and south facing. Commissioner Harry Shull interjected that the sign on Cheyenne was a 3-sided sign. It reads from north, east and west, so it is within 750 feet of the proposed billboard.

Commissioner Dean Leavitt explained to the applicant that just because the City of North Las Vegas accepted his application, did not imply that it would be approved by the Planning Commission. Mr. Cordero responded that he understood that.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to DENY UN-109-04.

The motion carried by UNANIMOUS vote.

UN-109-04 WAS DENIED.

15) UN-111-04 (16174) SUSHI BAR (Public Hearing)

An application submitted by Al Twainey, on behalf of the 4118 Craig Road, LLC, property owner, for a use permit in a PUD Planned Unit Development District to allow the "on sale" of alcoholic beverages in conjunction with a restaurant. The property is located at 4210 West Craig Road. The Assessor's Parcel Number is 139-06-613-003.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who indicated Staff was recommending approval of UN-111-04 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. The sale of alcoholic beverages is limited to beer and wine as outlined in Title 5 of the *North Las Vegas Municipal Code*.

Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating she concurred with Staff's revised recommendation for the beer and wine on-sale license.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-111-04 with Staff recommendations.

The motion carried by UNANIMOUS vote.

UN-111-04 was APPROVED.

16) UN-112-04 (16252) CAMILLO'S ADDITION (Public Hearing)

An application submitted by D. F. Lara on behalf of Camilo Maria Reyes, property owner, for a use permit in an R-3 Multi-Family Residential District to allow a single-family dwelling. The property is located at 2240 Carroll Street. The Assessor's Parcel Number is 139-24-110-028.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who indicated Staff was recommending approval of UN-112-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The Use Permit (UN-112-04) is site specific and non-transferable.
3. The proposed development shall comply with the Single-Family Design Guidelines.

Dennis Lara of D.F. Lara Construction, 1901 S. Highland Avenue, Las Vegas, NV 89102 appeared on behalf of Mr. Reyes stating he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE UN-112-04 with Staff Recommendations.

The motion carried by UNANIMOUS vote.

UN-112-04 WAS APPROVED.

17) UN-113-04 (16258) SIMMONS MARKETPLACE (Public Hearing)

An application submitted by Tim Ayala on behalf of Simmons Properties, LLC, property owner, for a use permit in a C-2 General Commercial District to allow a financial institution (payday loan). The property is located at the southwest corner of Ann Road and Simmons Street. The Assessor's Parcel Number is 124-32-113-002.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner, on behalf of Staff who indicated Staff was recommending approval of UN-113-04 subject to the following conditions:

1. That the special use permit is site specific and non-transferrable.
2. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. That any expansions to the proposed use shall be subject to Planning Commission review and approval.

Tim Ayala, 4600 Sunset Road, Suite 148, Henderson, NV 89014 appeared on behalf of the applicant, stating he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato stated in the past applications for payday loans had been denied and the last one denied was because there were too many already in the area. She asked Staff what made this neighborhood different, if it was because there were no others in that area. Marc Jordan, Planning Manager, responded the last application denied was in the Redevelopment area and there were already several of the same type businesses in the area. Redevelopment Staff gave Planning & Zoning a memorandum requesting the item be denied and the item was forwarded to the Redevelopment Agency for final consideration. Vice-Chairman Cato asked if it was outside of the Redevelopment area, if it was okay because it fits into the guidelines. Sr. Deputy City Attorney Jim Lewis responded the Planning Department looks at the applications as a commercial application. The traffic count is like another retail center. It does not impact the area any differently than a fast food restaurant, a pawn shop or mail store. When there is a recommendation for approval, it is based on the land use. A recommendation for denial in a Redevelopment area may have to do with the fact that there are already several within a small area. Vice-Chairman Cato asked if it was the desire of the Commission to approve the application, do they have any say about the signage. Mr. Lewis responded the code allows reasonable conditions to be attached to the use permit that is presented.

Commissioner Steve Brown was not in favor of this type of establishment in that area.

Vice-Chairman Cato may be in support of this application as she had approved others.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to DENY UN-113-04 with Staff Recommendations.

The motion carried by UNANIMOUS vote.

UN-113-04 WAS APPROVED.

18) UN-115-04 (16264) COUNTRYWIDE HOME LOANS (Public Hearing)

An application submitted by Countrywide Home Loans on behalf of Craig Simmons Associates, LLP, property owner, for a use permit in a C-2 General Commercial District to allow a financial institution (home loans). The property is located at 3073 Craig Road, Suites 5 and 6. The Assessor's Parcel Number is 139-05-317-007.

RECOMMENDATION:

The application was presented by Robert Eastman on behalf of Staff who indicated Staff was recommending approval of UN-115-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The use is limited to a financial institution regulated by the federal government.

Denise Lang, 3073 W. Craig Road, North Las Vegas, NV 89032 appeared on behalf of the applicant stating she concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Nelson Stone asked if this application was for loans regulated by the State, home loans, conventional type loans and not payday loans. Ms. Lang responded the business was Countrywide Home Loans and they were a mortgage origination business.

Chairman Jay Aston asked if there had previously been an application for a mortgage loan company in this same shopping center. Marc Jordan, Planning Manager, responded there had been one approved in Northern Vistas Shopping Center on Craig Road.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to APPROVE UN-115-04 with Staff Recommendations.

The motion carried by UNANIMOUS vote.

UN-115-04 WAS APPROVED.

19) ZOA-08-04 (16178) STORAGE WEST (Public Hearing)

An ordinance amendment initiated by LAACO, Ltd., to amend Title 17 (Zoning Ordinance) Section 17.24.020(C)(14)(c)(i) of the North Las Vegas Municipal Code to allow for a waiver from the masonry screen wall required around the perimeter of mini-warehouses and providing for other matters properly related thereto.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who indicated Staff was working with the applicant for amended language for the zoning ordinance during this meeting and stated he would defer comments until after the applicant presented the proposed change.

Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 stated the applicant usually uses the same gate for the entrance and exit. The use wrought iron gates and because of the way the mini storage is configured, they would like a additional wrought iron on one of the sides of the gate. The applicant is not asking for the original language in the code to be removed but would like to add the following language:

However, wrought iron gates may be used for ingress and egress. A total of 30 linear feet of wrought iron fencing may be allowed adjacent to the customer ingress and egress gates.

Ms. Lazovich stated 35 feet was originally proposed, so she felt they were close. She felt if the Planning Commission was comfortable with the 30 feet, that would be fine. She would like a little leeway so they could measure and make sure they could get a couple of extra feet. By the time the application goes to City Council for final consideration, the applicant would have the exact measurements.

Chairman Jay Aston asked Ms. Lazovich is she had the approximately length of the gate. Ms. Lazovich responded it was 28 to 30 feet. Chairman Aston asked if the fencing would be an additional 30 feet. Ms. Lazovich responded that was correct. Chairman Aston questioned if that was 15 feet on each side. Ms. Lazovich responded it would only be on one side but would like some flexibility on the width.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Sr. Deputy City Attorney Jim Lewis read the proposed change into the record as follows:

The masonry screen wall shall be required around the perimeter of the property. However, wrought iron gates may be used for ingress and egress. Additionally, a total of 30 linear feet of wrought iron fencing may be allowed adjacent to the customer ingress and egress gates.

Mr. Lewis asked the applicant if there was more than one gate, there would be 30 feet next to each. Ms. Lazovich responded that was not their intention. Mr. Lewis suggested the wording be changed to read - allowed adjacent to the primary customer ingress and egress gates. He also asked the

applicant to remember that the application will be forward to City Council for final consideration, so if they agree on the intent it can be worked on further before it goes to City Council.

Commissioner Dean Leavitt asked the applicant if they only had one gate for ingress and egress. Paul King of Storage West, 2756 North Green Valley Parkway, Henderson, NV 89014, responded that was correct.

Commissioner Dean Leavitt MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE ZOA-08-04, Section 17.24.020(C)(14)(c)(i), read into the record as follows:

A masonry screen wall shall be required around the perimeter of the property. However, wrought iron gates may be used for ingress and egress. Additionally, a total of 30 linear feet of wrought iron fencing may be allowed adjacent to the primary customer ingress and egress gates.

The motion carried by UNANIMOUS vote.

ZOA-08-04 WAS APPROVED.

20) SPR-35-04 (16245) ALIANTE PARCEL 39

An application submitted by North Valley Enterprises, property owner, for a site plan review in an MPC C-2 Master Planned Community - General Commercial District. The property is located at the northwest corner of Deer Springs Way and Aliante Parkway. The Assessor's Parcel Number is 124-20-601-004.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who indicated Staff was recommending approval of SPR-35-04 subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The site shall comply with the proposed parking lot landscaping.
3. The site shall comply with the Aliante Commercial Design Guidelines, as amended. Including but not limited to foundation landscaping shall be provided around all buildings with the retail center.
4. Approval of a drainage study that conforms to the Overall Master Conceptual Drainage Study is required.
5. Comply with the approved traffic study and subsequent addenda and updates.
6. The number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
7. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter and throat depths of 50 feet.
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. The property owner is required to sign a restrictive covenant for utilities.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 introduced Richard Serfas of the American Nevada Corporation and stated he concurred with Staff recommendations but wanted to clarify that located on Pad 3 in the retail area they would still need the waiver of the landscape area, although they were providing 12 feet. The right-of-way area exceeds that.

Commissioner Steve Brown asked Staff if the exit from the car wash could be moved as it looks like it is facing toward the homes. Mr. Gronauer stated it could possibly be moved further east. Commissioner Brown asked Staff if they were okay with where the exit was. Robert Eastman stated the landscaping buffer could be increased. Mr. Gronauer stated there is at least 55 feet between the building separation to the residential property line and that exceeds the minimum

requirements for commercial design guidelines.

Commissioner Nelson Stone asked if a use permit was not required for the convenience store and car wash because it was in the Master Plan. Mr. Eastman responded the use permits were previously approved. Commissioner Stone stated he felt queuing should occur on the west side of the car wash building not the east side.

Commissioner Steve Brown MOVED and Commissioner Dean Leavitt SECONDED to APPROVE SPR-35-04 per Staff Recommendations with an additional recommendation that the car wash queue from the west rather than the east.

The motion carried by UNANIMOUS vote.

SPR-35-04 WAS APPROVED.

21) T-1124 (16241) CHEYENNE/VALLEY

An application submitted by Taney Engineering on behalf of Lollitto, LLC and GRB SGG, LLC, property owners, for approval of a tentative map in a PUD Planned Unit Development District consisting of one (1) commercial lot. The property is located at the northeast corner of Valley Drive and Cheyenne Avenue. The Assessor's Parcel Number is 139-07-801-015.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of T-1124 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances..
2. The tentative map, T-1124, shall comply with all conditions of ZN-76-02, as amended.
3. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. Right-of-way dedication for a flared intersection is required at Cheyenne Avenue and Valley Drive per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1.
7. Right-of-way dedication for a CAT bus turn-out is required on Valley Drive near Cheyenne Avenue per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
8. The plans shall comply with *City of North Las Vegas Municipal Code* section 17.24.210.E.9 which states: "Sidewalks are required along all streets. Sidewalks along arterial streets with a right-of-way eighty (80) feet or wider must be separated from the back of the street curb by a minimum of five feet, except in bus turn-out areas. Meandering curvilinear sidewalks must be placed within the perimeter landscape area outside of the right-of-way." However, in areas where the sidewalk is placed next to the block wall, the width must be increased to six feet. Landscaping would then be required between the sidewalk and the back of the street curb.
9. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
10. A revocable encroachment permit for landscaping within the public right of way is required.
11. The property owner is required to grant a roadway easement for commercial driveway(s).
12. The property owner is required to sign a restrictive covenant for utilities.

Robert Cunningham, 4445 South Jones Boulevard, Las Vegas, NV 89103 appeared on behalf of the applicant stating he concurred with Staff recommendations.

Commissioner Dean Leavitt MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE T-1124 per Staff Recommendations.

The motion carried by UNANIMOUS vote.

T-1124 WAS APPROVED.

22) T-1125 (16267) CENTENNIAL & STATZ CONDOS

An application submitted by Temple on behalf of Centennial & Statz Partnership, LLC, property owner, for approval of a tentative map in a PUD Planned Unit Development District consisting of 168 units (apartments to condominiums). The property is located at the southwest corner of Statz Street and Centennial Parkway. The Assessor's Parcel Number is 124-25-102-003.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending the item be continued so the applicant can provide building details on the tentative maps and requested the item be continued indefinitely.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant. He stated comments made for T-1125 would be incorporated into Item No. 36, FDP-14-04. He understood the tentative map was continued from the July 28, 2004 meeting so it could be heard with FDP-14-04 as there was an issue with respect to the bus stop located on Statz off of Centennial. He stated he was okay with continuing the tentative maps for two weeks to address Public Works concerns on the building dimensions on the site plan but asked to move forward on the final development plan because he does not believe the final development plan is premature as Public Works indicated. Regardless of what is approved on the final development plan, it could be apartments or condos. He stated he would hold the tentative maps for two weeks and move forward with the final development plan. Chairman Jay Aston asked Staff if they had any concerns. Marc Jordan responded as long as within the next two weeks the applicant could get the requested items in time to allow Staff to review them. Mr. Gronauer stated if it wasn't ready in two weeks then his client would be pushed back again but the applicant understood the conditions. Mr. Jordan stated he was only talking about the tentative map.

Commissioner Nelson Stone MOVED and Commissioner Steve Brown SECONDED to CONTINUE T-1125 to August 25, 2004

The motion carried by UNANIMOUS vote.

T-1125 WAS CONTINUED TO AUGUST 25, 2004.

Item No. 36 was heard next.

OLD BUSINESS**23) AMP-41-04 (15266) CENTENNIAL-SIMMONS/ALIANTE (Public Hearing)**

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings Inc., property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential and Neighborhood Commercial to HDR High Density Residential. The property is generally located south of Centennial Parkway and approximately 500 feet east of Ferrell Street. The Assessor's Parcel Number is 124-29-101-002.

RECOMMENDATION:

It was requested by the applicant that AMP-41-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participants stated they would hold comment until the item was heard:

Lisa Merrell, 6417 Gilded Flicker, North Las Vegas, NV 89084
Amy Sung, 6543 Green Sparrow Lane, North Las Vegas, NV 89084
Jim Merrell, 6417 Gilded Flicker Street, North Las Vegas, NV 89084
Christopher Reade, 3117 Greenfriar Avenue, North Las Vegas, NV 89084
Joy Diaz, 6538 Green Sparrow lane, North Las Vegas, NV 89084
James Lucey, 3135 Sentimental Court, North Las Vegas, NV 89031
Mike Anderson, 6134 Confidant, North Las Vegas, NV 89084

Chairman Aston stated the Public Hearing would remain open until the item was hear in its entirety.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE AMP-41-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

AMP-41-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

24) ZN-45-04 (15127) CENTENNIAL-SIMMONS/ALIANTE (Public Hearing)

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings, Inc., property owner, for a reclassification of property from an R-1 Single-Family Residential District and C-1 Neighborhood Commercial District to an R-3 Multi-Family Residential District. The property is generally located south of Centennial Parkway and approximately 500 feet east of Ferrell Street. The Assessor's Parcel Number is 124-29-101-002.

RECOMMENDATION:

It was requested by the applicant that ZN-45-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participants stated they would hold comment until the item was heard:

Lisa Merrell, 6417 Gilded Flicker, North Las Vegas, NV 89084
Amy Sung, 6543 Green Sparrow Lane, North Las Vegas, NV 89084
Jim Merrell, 6417 Gilded Flicker Street, North Las Vegas, NV 89084
Christopher Reade, 3117 Greenfriar Avenue, North Las Vegas, NV 89084
Joy Diaz, 6538 Green Sparrow lane, North Las Vegas, NV 89084
James Lucey, 3135 Sentimental Court, North Las Vegas, NV 89031
Mike Anderson, 6134 Confidant, North Las Vegas, NV 89084

Chairman Aston stated the Public Hearing would remain open until the item was heard in its entirety.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE ZN-45-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

UN-45-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

25) AMP-52-04 (15765) CENTENNIAL-SIMMONS/ALIANTE (Public Hearing)

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings Inc., property owner, 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 located at the northwest corner of Ranch House Road and Simmons Street. The Assessor's Parcel Number is 124-29-101-002.

RECOMMENDATION:

It was requested by the applicant that AMP-52-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participants stated they would hold comment until the item was heard:

Lisa Merrell, 6417 Gilded Flicker, North Las Vegas, NV 89084
Amy Sung, 6543 Green Sparrow Lane, North Las Vegas, NV 89084
Jim Merrell, 6417 Gilded Flicker Street, North Las Vegas, NV 89084
Christopher Reade, 3117 Greenfriar Avenue, North Las Vegas, NV 89084
Joy Diaz, 6538 Green Sparrow lane, North Las Vegas, NV 89084
James Lucey, 3135 Sentimental Court, North Las Vegas, NV 89031
Mike Anderson, 6134 Confidant, North Las Vegas, NV 89084

Chairman Aston stated the Public Hearing would remain open until the item was heard in its entirety.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE AMP-52-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

AMP-52-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

26) ZN-46-04 (15130) CENTENNIAL-SIMMONS/ALIANTE (Public Hearing)

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings, Inc., property owner, for a reclassification of property from an R-1 Single-Family Residential District to a C-1 Neighborhood Commercial District. The property is located at the northwest corner of Ranch House Road and Simmons Street. The Assessor's Parcel Number is 124-29-101-002.

RECOMMENDATION:

It was requested by the applicant that ZN-46-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participants stated they would hold comment until the item was heard:

Lisa Merrell, 6417 Gilded Flicker, North Las Vegas, NV 89084
Amy Sung, 6543 Green Sparrow Lane, North Las Vegas, NV 89084
Jim Merrell, 6417 Gilded Flicker Street, North Las Vegas, NV 89084
Christopher Reade, 3117 Greenfriar Avenue, North Las Vegas, NV 89084
Joy Diaz, 6538 Green Sparrow lane, North Las Vegas, NV 89084
James Lucey, 3135 Sentimental Court, North Las Vegas, NV 89031
Mike Anderson, 6134 Confidant, North Las Vegas, NV 89084

Chairman Aston stated the Public Hearing would remain open until the item was heard in its entirety.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE ZN-46-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

ZN-46-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

Item No. 4 was heard next.

27) UN-82-04 (15124) CENTENNIAL-SIMMONS/ALIANTE (Public Hearing)

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings, Inc., property owner, for a use permit in an R-1 Single-Family Residential District (proposed C-1 Neighborhood Commercial District) to allow an automobile service facility. The property is located at the northwest corner of Ranch House Road and Simmons Street. The Assessor's Parcel Number is 124-29-101-002.

The applicant has requested UN-82-04 be withdrawn without prejudice.

UN-82-04 WAS WITHDRAWN WITHOUT PREJUDICE.

28) UN-78-04 (15133) CENTENNIAL-SIMMONS/ALIANTE (Public Hearing)

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings, Inc., property owner, for a use permit in a C-1 Neighborhood Commercial District to allow a child care facility. The property is located at the southwest corner of Centennial Parkway and Simmons Street. The Assessor's Parcel Number is 124-29-101-002.

The applicant has requested that UN-78-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participants stated they would hold comment for the September 8, 2004 meeting.

Lisa Cooper Merrell, 6417 Gilded Flicker, North Las Vegas, NV 89084
Amy Sung, 6543 Green Sparrow Lane, North Las Vegas, NV 89084
Jim Merrell, 6417 Gilded Flicker Street, North Las Vegas, NV 89084
Christopher Reade, 3117 Greenfriar Avenue, North Las Vegas, NV 89084
Joy Diaz, 6538 Green Sparrow Lane, North Las Vegas, NV 89084

Chairman Aston stated the Public Hearing would remain open until the item is heard in its entirety.

Commissioner Dean Leavitt MOVED and Vice-Chairman Jo Cato SECONDED to CONTINUE UN-78-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

UN-78-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

29) SPR-21-04 (15129) CENTENNIAL-SIMMONS/ALIANTE

An application submitted by James E. Stroh Architect, Inc., on behalf of Unlimited Holdings, Inc., property owner, for a site plan review in a C-1 Neighborhood Commercial District and an R-1 Single-Family Residential District (proposed C-1) to allow buildings to be located towards the rear of the property where buildings are required to be oriented towards the front of the property and to allow a 10 foot landscape buffer adjacent to residential developments where 20 feet is required. The property is located at the southwest corner of Simmons Street and Centennial Parkway. The Assessor's Parcel Number is 124-29-101-002.

The applicant requested that SPR-21-04 be continued to September 8, 2004.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE SPR-21-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

SPR-21-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

The Minutes were heard next.

30) UN-98-04 (15878) TELISCHAK & CO. (PUBLIC HEARING)

An application submitted by Orion Outdoor Media on behalf of Hobart Runvee Ltd., property owner, for a use permit in an M-2 General Industrial District to allow an off-premise sign (billboard). The property is located at the southeast corner of Lamb Boulevard and Ann Road. The Assessor's Parcel Number is 123-32-101-001.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-98-04 subject to the following conditions with Condition No. 2 changed to read as follows:

1. That, unless expressly authorized through a variance, waiver of another approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide paved access to the site within Public Right-of-Way per *Clark County Area Uniform Standard Drawings for Public Works Construction Off-site Improvements Drawing Number 209* or as otherwise required by the Director of Public Works. Additionally, an on-site service access drive from a public roadway must be provided that satisfies the Clark County Department of Air Quality and Environmental Management Rules and Regulations.
3. That the billboard pole or column shall have a simulated brick texture and/or split-face block veneer subject to staff review and approval.

George Garcia of GC Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 stated he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-98-04 per Staff Recommendations with the change to Condition No. 2 as read into the record.

The motion carried by MAJORITY vote with Commissioner Steve Brown voting NO.

UN-98-04 WAS APPROVED.

31) UN-99-04 (15879) TELISCHAK & CO. (PUBLIC HEARING)

An application submitted by Orion Outdoor Media on behalf of Hobart Runvee Ltd., property owner, for a use permit in an M-2 General Industrial District to allow an off-premise sign (billboard). The property is generally located approximately 1,302 feet south of Ann Road and west of the I-15. The Assessor's Parcel Number is 123-31-602-003.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-99-04 subject to the following conditions with Condition No. 2 changed to read as follows:

1. That, unless expressly authorized through a variance, waiver of another approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide paved access to the site within Public Right-of-Way per *Clark County Area Uniform Standard Drawings for Public Works Construction Off-site Improvements Drawing Number 209* or as otherwise required by the Director of Public Works. Additionally, an on-site service access drive from a public roadway must be provided that satisfies the Clark County Department of Air Quality and Environmental Management Rules and Regulations.
3. That the billboard pole or column shall have a simulated brick texture and/or split-face block veneer subject to staff review and approval.

George Garcia of GC Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 stated he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-99-04 per Staff Recommendations with the change to Condition No. 2 as read into the record.

The motion carried by MAJORITY vote with Commissioners Steve Brown and Nelson Stone voting NO.

UN-99-04 WAS APPROVED.

32) UN-100-04 (15882) TELISCHAK & CO. (PUBLIC HEARING)

An application submitted by Orion Outdoor Media on behalf of Hobart Runvee Ltd., property owner, for a use permit in an M-2 General Industrial District to allow an off-premise sign (billboard). The property is located at the southwest corner of Lamb Boulevard and the I-15. The Assessor's Parcel Number is 123-31-502-001.

RECOMMENDATION:

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-100-04 subject to the following conditions with Condition No. 2 changed to read as follows:

1. That, unless expressly authorized through a variance, waiver of another approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide paved access to the site within Public Right-of-Way per *Clark County Area Uniform Standard Drawings for Public Works Construction Off-site Improvements Drawing Number 209* or as otherwise required by the Director of Public Works. Additionally, an on-site service access drive from a public roadway must be provided that satisfies the Clark County Department of Air Quality and Environmental Management Rules and Regulations.
3. That the billboard pole or column shall have a simulated brick texture and/or split-face block veneer subject to staff review and approval.

George Garcia of GC Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 stated he concurred with Staff recommendations.

Chairman Jay Aston opened the Public Hearing. There were no participants.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-100-04 per Staff Recommendations with the change to Condition No. 2 as read into the record.

The motion carried by MAJORITY vote with Commissioners Steve Brown and Nelson Stone voting NO.

UN-100-04 WAS APPROVED.

33) UN-103-04 (16024) FABULOUS FREDDY'S CAR WASH (PUBLIC HEARING)

An application submitted by Fabulous Freddy's Car Wash on behalf of William L. Linder and Parker Juel, a Family Trust, property owners, for a use permit in a C-1 Neighborhood Commercial District to allow an automobile service facility. The property is located at the southwest corner of Valley Drive and Craig Road. The Assessor's Parcel Numbers are 139-06-301-007 and 139-06-301-008.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who stated the item was continued from the July 28, 2004 meeting to allow the applicant time to meet with the residents and that Staff was recommending approval of UN-103-04 subject to the following conditions:

1. The development shall comply with the Commercial Development Standards and Design Guidelines, except the orientation of the buildings to the street corner.
2. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
5. Approval of a traffic study, including a queuing analysis, is required prior to submittal of the civil improvement plans.
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Valley Drive.
7. Right-of-way dedication and construction of a CAT bus turn-out is required on Valley Drive near Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
12. Monument signs shall not be located within the right-of-way nor shall they be located within the Gowan Outfall Channel drainage easement along Craig Road.

Sean Huggins with Moran and Associates, 630 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant stating he met with the neighbors on August 6, 2004. He thanked Commissioner Brown for attending the meeting. He stated they were in agreement with all of Staff

recommendations. They were previously requesting a waiver of the set-backs on the east side where the bus turnout was located but have been able to change things around and are now in compliance with the code. Mr. Huggins showed a rendering of what the project would look like.

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

- Robert Goodin, 4307 Totano Drive, North Las Vegas, NV 89032 stated he attended the meeting and there was some good discussion. The operating hours discussed were from 7:30 a.m. to 7:00 p.m. and the lube operation would close at 6:00 p.m. and the convenience store and gas pumps would be open 24 hours. He looked at a couple of the other Fast Freddy facilities and admitted they were nice but still feels it would add more traffic and noise in the area and lower property values and was opposed to the project.
- Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032 stated she understood how difficult this decision was. She had concerns about the fact that the conditions discussed in the meeting on August 6 were not addressed as additional conditions of approval tonight. The restricted hours of operation and increased landscaping were not addressed. She would like to see restricted hours of operation on the convenience store for at least six months and was concerned about the only entrance to the business being on Valley Drive which would increase the traffic on Valley Drive.
- Perry Thompson, 4315 Totano Drive, North Las Vegas, NV 89032 stated he was opposed to this project.
- Charles Falk, 4319 Totano Drive, North Las Vegas, NV 89032 stated he attended the meeting on August 6 but is still opposed to this project. In addition to being too close to homes, open 24 hours, the lighting, increased traffic and repetition of existing businesses within blocks, he is concerned for the security of the neighbors in the vicinity of the project.

Chairman Aston closed the Public Hearing.

Sean Huggins responded to Anita Wood's concerns regarding the additional conditions and stated some of the conditions were being complied with and that was why he did not mention them. They have incorporated the 10 foot of landscaping, the non-illuminating lighting, increased landscaping along Valley Drive, the median on Valley Drive if it is required by the City, the hours of operation, the car wash hours will be 7:30 a.m. to 7:00 p.m., and the lube will be open 8:00 to 6:00 p.m. The 24 hour convenience store is important to the operation for security purposes. There will be two people working at night to ensure that the noise level is kept low and that no one is climbing the walls.

Commissioner Nelson Stone asked Staff when the use permit expires for the previous car wash that was approved at this same location. Marc Jordan, Planning Manager responded it would expire in approximately one year.

Commissioner Steve Brown asked Staff if a fast food restaurant had been planned for the corner of Valley Drive and Craig Road. Robert Eastman, Planner responded the application was withdrawn prior to the public hearing. Commissioner Brown asked if a fast food business would be open 24 hours, would it be an approved use. Mr. Eastman stated, because of the drive-thru, it would require a special use permit. Commissioner Brown asked the applicant if the gas pumps were open 24 hours whether the convenience store was closed or open. Mr. Huggins stated that was correct. Commissioner Brown asked if landscaping could be increased 25 percent. Mr.

Huggins stated there would not be a problem with the increased landscaping. Commissioner Brown asked if speed bumps could be added to the lot. Mr. Huggins stated that was possible. Commissioner Brown asked traffic for input on adding a median island on Valley Drive. Kevin Futch, with Traffic responded the developer would be required to submit a traffic impact study as a condition of the use permit but by looking at the site, it probably would be a condition that a median island on Valley Drive be required of this project. Commissioner Steve Brown asked if there would be an attendant outside on the Gas Pump Islands. Mr. Huggins stated that was customary. There would not be an attendant at the pumps at night but there would be two employees in the convenience store. Commissioner Brown felt this would be a great project for the City of North Las Vegas but was not sure if this was a good location.

Commissioner Harry Shull asked if the trees being 10 foot on center would need to be added as an additional condition. Commissioner Shull asked if the 25 percent increase in landscaping was in addition to the 50 percent increase in trees. Mr. Huggins responded it was to add an additional sound buffer. Commissioner Harry Shull asked Staff for recommended verbiage for the additional landscape buffer. Staff responded they were working on the wording. Commissioner Shull asked Traffic if a median or traffic calming device would be added as a condition. Kevin Futch of Traffic responded a condition could be added that reads "that a raised median island along the project's Valley Drive Frontage". Commissioner Shull stated he was in favor of the project and felt it would be a nice addition to the community.

Commissioner Dean Leavitt asked the applicant if the primary function of keeping the convenience store open 24 hours per day was due to security and that during the day, there is an attendant to facilitate an extra courtesy, if they would consider using a teller type window from 10:00 p.m. to 6:00 a.m. and keeping door of the store locked.

Fred Smith, 9825 Glenrock Avenue, Las Vegas, NV 89134 responded that was possible and was agreeable to adding a window.

Commissioner Dilip Trivedi stated he would like a condition added for a six month review. Chairman Aston responded the conditions would be made by the person making the motion.

Commissioner Nelson Stone asked Anita Wood which use the residents were most opposed to. Anita Wood responded the greatest concerns were with the convenience store. They would like the attendant to be a condition so if the property were sold, the new operator would have to keep an attendant on duty. They also talked about the additional landscaping. The hours of operation were the main concern.

Commissioner Stone asked if a six month review is a condition that can be placed on a use permit. Planning Director Jory Stewart responded you had to be careful of reviewing conditions that you may do something to curtail a business from being successful. For example, if the hours of operation are restricted, it may not be feasible for the business to be successful. Sr. City Attorney Jim Lewis also stated a six month review was not a good idea. Special use permits can only be revoked upon notice and an opportunity to be heard. So, the owner have to be told there was a problem and it would be heard before City Council.

Commissioner Nelson Stone asked Commissioner Leavitt the purpose of installing a window in the convenience store. Commissioner Leavitt explained the convenience store would be open but

patrons would not be entering the store, they would make purchases through the window and would limit the amount of traffic during the evening hours.

Vice-Chairman Jo Cato asked Commissioner Leavitt if purchases of food, drinks and other products could be purchased or just gas. Commissioner Leavitt responded any item that would it through the window could be purchased. Vice-Chairman Cato stated she felt that would take away from the business. She stated she was in favor of the project.

Commissioner Dilip Trivedi stated he lived a short distance from this project and had mixed feelings for the project. He would like to see a six month review and restricted hours of operation.

Commissioner Nelson Stone stated with regard to Commissioner Leavitt's suggestion of installing the teller window, he would suggest acting on the site plan as presented.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-103-04 per Staff Recommendations with the addition of Condition Nos. 13, 14 and 15 to read as follows:

13. Restricted hours of operation which would run from 8:00 a.m. to 6:00 p.m.
14. 24 inch box trees shall be placed 10 feet on center along Valley Drive. Perimeter landscaping shall be placed to provide 75 percent ground coverage within two years of planting.
15. A median island shall be installed in Valley Drive.

The motion carried by MAJORITY vote with Commissioners Nelson Stone voting NO.

UN-103-04 WAS APPROVED.

Chairman Jay Aston recognized Councilman Eliason.

34) UN-104-04 (16023) FABULOUS FREDDY'S CAR WASH (PUBLIC HEARING)

An application submitted by Fabulous Freddy's Car Wash on behalf of William L. Linder and Parker Juel, a Family Trust, property owners, for a use permit in a C-1 Neighborhood Commercial District to allow a convenience food store with gas pumps. The property is located at the southwest corner of Valley Drive and Craig Road. The Assessor's Parcel Numbers are 139-06-301-007 and 139-06-301-008.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who stated the item was continued from the July 28, 2004 meeting to allow the applicant time to meet with the residents and that Staff was recommending approval of UN-104-04 subject to the following conditions:

1. The development shall comply with the Commercial Development Standards and Design Guidelines, except the orientation of the buildings to the street corner.
2. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
5. Approval of a traffic study, including a queuing analysis, is required prior to submittal of the civil improvement plans.
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Valley Drive.
7. Right-of-way dedication and construction of a CAT bus turn-out is required on Valley Drive near Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
12. Monument signs shall not be located within the right-of-way nor shall they be located within the Gowan Outfall Channel drainage easement along Craig Road.

Sean Huggins with Moran and Associates, 630 South 4th Street, Las Vegas, NV 89101 appeared

on behalf of the applicant stating he met with the neighbors on August 6, 2004. He thanked Commissioner Brown for attending the meeting. He stated they were in agreement with all of Staff recommendations. They were previously requesting a waiver of the set-backs on the east side where the bus turnout was located but have been able to change things around and are now in compliance with the code. Mr. Huggins showed a rendering of what the project would look like.

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

- Robert Goodin, 4307 Totano Drive, North Las Vegas, NV 89032 stated he attended the meeting and there was some good discussion. The operating hours discussed were from 7:30 a.m. to 7:00 p.m. and the lube operation would close at 6:00 p.m. and the convenience store and gas pumps would be open 24 hours. He looked at a couple of the other Fast Freddy facilities and admitted they were nice but still feels it would add more traffic and noise in the area and lower property values and was opposed to the project.
- Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032 stated she understood how difficult this decision was. She had concerns about the fact that the conditions discussed in the meeting on August 6 were not addressed as additional conditions of approval tonight. The restricted hours of operation and increased landscaping were not addressed. She would like to see restricted hours of operation on the convenience store for at least six months and was concerned about the only entrance to the business being on Valley Drive which would increase the traffic on Valley Drive.
- Perry Thompson, 4315 Totano Drive, North Las Vegas, NV 89032 stated he was opposed to this project.
- Charles Falk, 4319 Totano Drive, North Las Vegas, NV 89032 stated he attended the meeting on August 6 but is still opposed to this project. In addition to being too close to homes, open 24 hours, the lighting, increased traffic and repetition of existing businesses within blocks, he is concerned for the security of the neighbors in the vicinity of the project.

Chairman Aston closed the Public Hearing.

Sean Huggins responded to Anita Wood's concerns regarding the additional conditions and stated some of the conditions were being complied with and that was why he did not mention them. They have incorporated the 10 foot of landscaping, the non-illuminating lighting, increased landscaping along Valley Drive, the median on Valley Drive if it is required by the City, the hours of operation, the car wash hours will be 7:30 a.m. to 7:00 p.m., and the lube will be open 8:00 to 6:00 p.m. The 24 hour convenience store is important to the operation for security purposes. There will be two people working at night to ensure that the noise level is kept low and that no one is climbing the walls.

Commissioner Nelson Stone asked Staff when the use permit expires for the previous car wash that was approved at this same location. Marc Jordan, Planning Manager responded it would expire in approximately one year.

Commissioner Steve Brown asked Staff if a fast food restaurant had been planned for the corner of Valley Drive and Craig Road. Robert Eastman, Planner responded the application was withdrawn prior to the public hearing. Commissioner Brown asked if a fast food business would be

open 24 hours, would it be an approved use. Mr. Eastman stated, because of the drive-thru, it would require a special use permit. Commissioner Brown asked the applicant if the gas pumps were open 24 hours whether the convenience store was closed or open. Mr. Huggins stated that was correct. Commissioner Brown asked if landscaping could be increased 25 percent. Mr. Huggins stated there would not be a problem with the increased landscaping. Commissioner Brown asked if speed bumps could be added to the lot. Mr. Huggins stated that was possible. Commissioner Brown asked traffic for input on adding a median island on Valley Drive. Kevin Futch, with Traffic responded the developer would be required to submit a traffic impact study as a condition of the use permit but by looking at the site, it probably would be a condition that a median island on Valley Drive be required of this project. Commissioner Steve Brown asked if there would be an attendant outside on the Gas Pump Islands. Mr. Huggins stated that was customary. There would not be an attendant at the pumps at night but there would be two employees in the convenience store. Commissioner Brown felt this would be a great project for the City of North Las Vegas but was not sure if this was a good location.

Commissioner Harry Shull asked if the trees being 10 foot on center would need to be added as an additional condition. Commissioner Shull asked if the 25 percent increase in landscaping was in addition to the 50 percent increase in trees. Mr. Huggins responded it was to add an additional sound buffer. Commissioner Harry Shull asked Staff for recommended verbiage for the additional landscape buffer. Staff responded they were working on the wording. Commissioner Shull asked Traffic if a median or traffic calming device would be added as a condition. Kevin Futch of Traffic responded a condition could be added that reads "that a raised median island along the project's Valley Drive Frontage". Commissioner Shull stated he was in favor of the project and felt it would be a nice addition to the community.

Commissioner Dean Leavitt asked the applicant if the primary function of keeping the convenience store open 24 hours per day was due to security and that during the day, there is an attendant to facilitate an extra courtesy, if they would consider using a teller type window from 10:00 p.m. to 6:00 a.m. and keeping door of the store locked.

Fred Smith, 9825 Glenrock Avenue, Las Vegas, NV 89134 responded that was possible and was agreeable to adding a window.

Commissioner Dilip Trivedi stated he would like a condition added for a six month review. Chairman Aston responded the conditions would be made by the person making the motion.

Commissioner Nelson Stone asked Anita Wood which use the residents were most opposed to. Anita Wood responded the greatest concerns were with the convenience store. They would like the attendant to be a condition so if the property were sold, the new operator would have to keep an attendant on duty. They also talked about the additional landscaping. The hours of operation were the main concern.

Commissioner Stone asked if a six month review is a condition that can be placed on a use permit. Planning Director Jory Stewart responded you had to be careful of reviewing conditions that you may do something to curtail a business from being successful. For example, if the hours of operation are restricted, it may not be feasible for the business to be successful. Sr. City Attorney Jim Lewis also stated a six month review was not a good idea. Special use permits can only be revoked upon notice and an opportunity to be heard. So, the owner have to be told there was a problem and it would be heard before City Council.

Commissioner Nelson Stone asked Commissioner Leavitt the purpose of installing a window in the convenience store. Commissioner Leavitt explained the convenience store would be open but patrons would not be entering the store, they would make purchases through the window and would limit the amount of traffic during the evening hours.

Vice-Chairman Jo Cato asked Commissioner Leavitt if purchases of food, drinks and other products could be purchased or just gas. Commissioner Leavitt responded any item that would it through the window could be purchased. Vice-Chairman Cato stated she felt that would take away from the business. She stated she was in favor of the project.

Commissioner Dilip Trivedi stated he lived a short distance from this project and had mixed feelings for the project. He would like to see a six month review and restricted hours of operation.

Commissioner Nelson Stone stated with regard to Commissioner Leavitt's suggestion of installing the teller window, he would suggest acting on the site plan as presented.

Commissioner Harry Shull MOVED and Vice-Chairman Jo Cato SECONDED to APPROVE UN-104-04 per Staff Recommendations with the addition of Condition Nos. 13, and 14 to read as follows:

- 13 24 inch box trees shall be placed 10 feet on center along Valley Drive. Perimeter landscaping shall be placed to provide 75 percent ground coverage within two years of planting.
14. The applicant shall have a minimum of two attendants on duty at all times, 24 hours per day.

The motion carried by MAJORITY vote with Commissioners Dean Leavitt, Nelson Stone and Dilip Trivedi voting NO.

UN-104-04 WAS APPROVED.

35) UN-105-04 (16022) FABULOUS FREDDY'S CAR WASH (PUBLIC HEARING)

An application submitted by Fabulous Freddy's Car Wash on behalf of William L. Linder and Parker Juel, a Family Trust, property owners, for a use permit in a C-1 Neighborhood Commercial District to allow an automobile car wash. The property is located at the southwest corner of Valley Drive and Craig Road. The Assessor's Parcel Numbers are 139-06-301-007 and 139-06-301-008.

RECOMMENDATION:

The application was presented by Robert Eastman, Planner on behalf of Staff who stated the item was continued from the July 28, 2004 meeting to allow the applicant time to meet with the residents and that Staff was recommending approval of UN-105-04 subject to the following conditions:

1. The development shall comply with the Commercial Development Standards and Design Guidelines, except the orientation of the buildings to the street corner.
2. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
5. Approval of a traffic study, including a queing analysis, is required prior to submittal of the civil improvement plans.
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Valley Drive.
7. Right-of-way dedication and construction of a CAT bus turn-out is required on Valley Drive near Craig Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to sign a restrictive covenant for utilities.
11. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
12. Monument signs shall not be located within the right-of-way nor shall they be located within the Gowan Outfall Channel drainage easement along Craig Road.

Sean Huggins with Moran and Associates, 630 South 4th Street, Las Vegas, NV 89101 appeared on behalf of the applicant stating he met with the neighbors on August 6, 2004. He thanked Commissioner Brown for attending the meeting. He stated they were in agreement with all of Staff recommendations. They were previously requesting a waiver of the set-backs on the east side where the bus turnout was located but have been able to change things around and are now in compliance with the code. Mr. Huggins showed a rendering of what the project would look like.

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

- Robert Goodin, 4307 Totano Drive, North Las Vegas, NV 89032 stated he attended the meeting and there was some good discussion. The operating hours discussed were from 7:30 a.m. to 7:00 p.m. and the lube operation would close at 6:00 p.m. and the convenience store and gas pumps would be open 24 hours. He looked at a couple of the other Fast Freddy facilities and admitted they were nice but still feels it would add more traffic and noise in the area and lower property values and was opposed to the project.
- Anita Wood, 4108 Bola Drive, North Las Vegas, NV 89032 stated she understood how difficult this decision was. She had concerns about the fact that the conditions discussed in the meeting on August 6 were not addressed as additional conditions of approval tonight. The restricted hours of operation and increased landscaping were not addressed. She would like to see restricted hours of operation on the convenience store for at least six months and was concerned about the only entrance to the business being on Valley Drive which would increase the traffic on Valley Drive.
- Perry Thompson, 4315 Totano Drive, North Las Vegas, NV 89032 stated he was opposed to this project.
- Charles Falk, 4319 Totano Drive, North Las Vegas, NV 89032 stated he attended the meeting on August 6 but is still opposed to this project. In addition to being too close to homes, open 24 hours, the lighting, increased traffic and repetition of existing businesses within blocks, he is concerned for the security of the neighbors in the vicinity of the project.

Chairman Aston closed the Public Hearing.

Sean Huggins responded to Anita Wood's concerns regarding the additional conditions and stated some of the conditions were being complied with and that was why he did not mention them. They have incorporated the 10 foot of landscaping, the non-illuminating lighting, increased landscaping along Valley Drive, the median on Valley Drive if it is required by the City, the hours of operation, the car wash hours will be 7:30 a.m. to 7:00 p.m., and the lube will be open 8:00 to 6:00 p.m. The 24 hour convenience store is important to the operation for security purposes. There will be two people working at night to ensure that the noise level is kept low and that no one is climbing the walls.

Commissioner Nelson Stone asked Staff when the use permit expires for the previous car wash that was approved at this same location. Marc Jordan, Planning Manager responded it would expire in approximately one year.

Commissioner Steve Brown asked Staff if a fast food restaurant had been planned for the corner of Valley Drive and Craig Road. Robert Eastman, Planner responded the application was

withdrawn prior to the public hearing. Commissioner Brown asked if a fast food business would be open 24 hours, would it be an approved use. Mr. Eastman stated, because of the drive-thru, it would require a special use permit. Commissioner Brown asked the applicant if the gas pumps were open 24 hours whether the convenience store was closed or open. Mr. Huggins stated that was correct. Commissioner Brown asked if landscaping could be increased 25 percent. Mr. Huggins stated there would not be a problem with the increased landscaping. Commissioner Brown asked if speed bumps could be added to the lot. Mr. Huggins stated that was possible. Commissioner Brown asked traffic for input on adding a median island on Valley Drive. Kevin Futch, with Traffic responded the developer would be required to submit a traffic impact study as a condition of the use permit but by looking at the site, it probably would be a condition that a median island on Valley Drive be required of this project. Commissioner Steve Brown asked if there would be an attendant outside on the Gas Pump Islands. Mr. Huggins stated that was customary. There would not be an attendant at the pumps at night but there would be two employees in the convenience store. Commissioner Brown felt this would be a great project for the City of North Las Vegas but was not sure if this was a good location.

Commissioner Harry Shull asked if the trees being 10 foot on center would need to be added as an additional condition. Commissioner Shull asked if the 25 percent increase in landscaping was in addition to the 50 percent increase in trees. Mr. Huggins responded it was to add an additional sound buffer. Commissioner Harry Shull asked Staff for recommended verbiage for the additional landscape buffer. Staff responded they were working on the wording. Commissioner Shull asked Traffic if a median or traffic calming device would be added as a condition. Kevin Futch of Traffic responded a condition could be added that reads "that a raised median island along the project's Valley Drive Frontage". Commissioner Shull stated he was in favor of the project and felt it would be a nice addition to the community.

Commissioner Dean Leavitt asked the applicant if the primary function of keeping the convenience store open 24 hours per day was due to security and that during the day, there is an attendant to facilitate an extra courtesy, if they would consider using a teller type window from 10:00 p.m. to 6:00 a.m. and keeping door of the store locked.

Fred Smith, 9825 Glenrock Avenue, Las Vegas, NV 89134 responded that was possible and was agreeable to adding a window.

Commissioner Dilip Trivedi stated he would like a condition added for a six month review. Chairman Aston responded the conditions would be made by the person making the motion.

Commissioner Nelson Stone asked Anita Wood which use the residents were most opposed to. Anita Wood responded the greatest concerns were with the convenience store. They would like the attendant to be a condition so if the property were sold, the new operator would have to keep an attendant on duty. They also talked about the additional landscaping. The hours of operation were the main concern.

Commissioner Stone asked if a six month review is a condition that can be placed on a use permit. Planning Director Jory Stewart responded you had to be careful of reviewing conditions that you may do something to curtail a business from being successful. For example, if the hours of operation are restricted, it may not be feasible for the business to be successful. Sr. City Attorney Jim Lewis also stated a six month review was not a good idea. Special use permits can only be revoked upon notice and an opportunity to be heard. So, the owner have to be told there was a problem and it would be heard before City Council.

Commissioner Nelson Stone asked Commissioner Leavitt the purpose of installing a window in the convenience store. Commissioner Leavitt explained the convenience store would be open but patrons would not be entering the store, they would make purchases through the window and would limit the amount of traffic during the evening hours.

Vice-Chairman Jo Cato asked Commissioner Leavitt if purchases of food, drinks and other products could be purchased or just gas. Commissioner Leavitt responded any item that would it through the window could be purchased. Vice-Chairman Cato stated she felt that would take away from the business. She stated she was in favor of the project.

Commissioner Dilip Trivedi stated he lived a short distance from this project and had mixed feelings for the project. He would like to see a six month review and restricted hours of operation.

Commissioner Nelson Stone stated with regard to Commissioner Leavitt's suggestion of installing the teller window, he would suggest acting on the site plan as presented.

Commissioner Harry Shull MOVED and Vice-Chairman Jo Cato SECONDED to APPROVE UN-105-04 per Staff Recommendations with the addition of Condition Nos. 13, 14 and 15 to read as follows:

13. That the hours of operation would be limited from 7:30 a.m. to 7:30 p.m.
14. 24 inch box trees shall be placed 10 feet on center along Valley Drive. Perimeter landscaping shall be placed to provide 75 percent ground coverage within two years of planting.
15. A median island shall be installed in Valley Drive.

The motion carried by MAJORITY vote with Commissioners Nelson Stone voting NO.

UN-105-04 WAS APPROVED.

Item No. 1 was heard next.

36) FDP-14-04 (15990) CENTENNIAL & STATZ CONDOS

An application submitted by Temple on behalf of Centennial & Statz Partnership, LLC, property owner, for a Final Development Plan review in a PUD Planned Unit Development District, consisting of 168 condominiums. The property is located at the southwest corner of Statz Street and Centennial Parkway. The Assessor's Parcel Number is 124-25-102-003.

RECOMMENDATION:

The application was presented by Marc Jordan, planning Manager who indicated this item was continued from the July 28, 2004 Planning Commission meeting to allow the applicant time to meet with Staff regarding the set-backs for the garages for the project as there was concerns the garages would not meet the set-backs when the flared intersection and the dedicated right-of-way for the bus stop was provided on the site. The applicant has submitted a revised development plan for review and they have shifted everything to the west approximately 10 feet to allow for the appropriate set-backs along Statz Street and, therefore, they are requesting a waiver from the 20 foot landscaping buffer requirement adjacent to the west property line. Staff has no objection to the reduction in the landscape buffer. In addition, the applicant, because of the flared intersection, also had to shift everything to the south by approximately seven feet to meet the set-back requirements and is requesting a waiver from the landscape buffer requirements on the south property line of approximately seven feet and that does not apply all the way across as the property is tapered a little bit. On the west side, it is approximately 23 feet and then tapers down to about 13 feet. In exchange, the applicant is proposing to install trees 10 feet on center instead of 20 feet on center. Staff has no objections to the two waivers but is asking this item be continued to allow the applicant to comply with those requirements for the tentative map.

Bob Gronauer of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated the tentative map was held because of concerns by Public Works on the dimension of the buildings. However, two weeks ago Staff and Public Works were both recommending approval for the Final Development Plan. The final development plan is part of the process to obtain approval for development. Two weeks ago there was an issue that garages located along the eastern portion of the property were too close to the set-back and Staff asked that they be moved. The client met with Staff and moved the trash enclosure and garages and disbursed them throughout the west and south sides of the property. Making the adjustments to the plan, necessitated a request for two waivers that Staff is supporting. One of the waivers is on the west side of the property and the other waiver is on the southern portion of the property. He stated whenever there is a bus turnout adjacent to property, you are allowed to encroach 10 feet into the landscape area. If 20 feet of landscaping is being provided along Statz, if there is a bus turnout required on the property, they do not have to provide 20 feet in that area, it is only 10. With respect to Centennial Parkway, in some areas, because of the location of the property, they were required to dedicate 50 feet for Centennial Parkway and then as you go further east on Centennial Parkway they were required to dedicate about 54 feet right-of-way and then it increases to 55 and then Public Works requires an additional 15 feet for a right turn lane. Mr. Gronauer stated in Staff's recommended conditions, that if they maintain the buildings 20 feet back from the property line, which the buildings would have to be moved 3/4 of a foot, they would meet the 20 foot set-back from the building to the property line and essentially would be asking for 20 feet of landscaping where 25 feet is required. The reason they think the waiver is appropriate is because if you are allowed to count the reduction in a bus turnout area, they believe

a property owner should also be credited the same way. Mr. Gronauer requested that Condition Nos. 6 and 7 be deleted as they were not part of the previous application.

Commissioner Nelson Stone asked what condition the landscape right-of-way affected. Mr. Gronauer responded it affected Condition No. 3.

Commissioner Harry Shull stated he was not in favor of eliminating Condition Nos. 6 and 7. He asked if the architecture was contemporary. Mr. Gronauer stated the architecture was contemporary. He explained this was the same building submitted six months ago when the final development plan was approved and felt the conditions imposed previously would also apply to this development plan. Commissioner Shull stated considering the elevation he might be able to agree to eliminate Condition Nos. 6 and 7.

Marc Jordan stated the recommendation was for continuance in order to resolve the concerns with the tentative map. However, he reminded the Commission this was a new final development plan even though the applicant was not required to reapply and come back to the Commission. With the new final development plan and the revised elevations submitted, the recommendation is for the pop-outs and for the cornice elements; therefore, Staff does not support deletion of Condition Nos. 6 and 7. Chairman Jay Aston asked if the pop-outs on the windows were more for the small lots and single-family. Mr. Jordan stated there were guidelines for those but these are the multi-family guidelines which also require these types of architectural features.

Commissioner Nelson Stone MOVED and Commissioner Harry Shull SECONDED to APPROVE FDP-14-04 per Staff Recommendations written as is.

The motion carried by UNANIMOUS vote.

FDP-14-04 WAS APPROVED.

Item No. 30 was heard next.

PUBLIC FORUM:

No members of the public came forward.

DIRECTOR'S BUSINESS:

The director had no business

CHAIRMAN'S BUSINESS:

The Chairman had no business

Commissioner Nelson Stone asked Staff what the status was of the Parks and Recreation Master Plan.

Sr. Deputy City Attorney Jim Lewis responded he heard from Tony Taylor of Parks and Rec that they had received copies for the Commissioners.

Commissioner Steve Brown asked if it was possible to act on a group of items, rather than hear each one separately.

Sr. Deputy City Attorney Jim Lewis responded it was possible but on controversial items it is easier for him to defend the Commission when there is testimony specific to each of the items.

ADJOURNMENT:

A motion to ADJOURN the August 11, 2004 meeting of the Planning Commission of the City of North Las Vegas was made by Commissioner Dean Leavitt. Vice-Chairman Jo Cato SECONDED the motion.

The meeting adjourned at 11:42 p.m.

Jay Aston, Chairman

ATTEST:

Jo Ann Lawrence, Recording Secretary