

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Jay Aston, Chairman
Nelson Stone
Dean Leavitt
Harry Shull

2200 Civic Center Drive
North Las Vegas, NV 89030
BUS: (702) 633-1516
FAX: (702) 649-6091
TDD: (800) (800) 326-6868

Jo Cato, Vice-Chairman
Dilip Trivedi
Steve Brown

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

August 25, 2004

BRIEFING:

Conference Room, North Las Vegas City Hall,
2200 Civic Center Drive, at 6:30 p.m. Review of Agenda

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall,
2200 Civic Center Drive, at 7:12 p.m.

ROLL CALL:

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

STAFF PRESENT:

Marc Jordan, Planning Manager
Bob Hoyes, Planner
Lenny Badger, Public Works
Clete Kus, Transportation Services
Jimmy Johnson, Fire Department
James Lewis, Senior Deputy City Attorney
Jo Ann Lawrence, Recording Secretary

VERIFICATION:

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

PLEDGE OF ALLEGIANCE:

Commissioner Dean Leavitt

MINUTES

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE the minutes of the July 28, 2004 Planning Commission Meeting.

The motion carried by UNANIMOUS VOTE.

Approval of the Minutes for the Planning Commission meeting of August 11, 2004.

The item was CONTINUED TO SEPTEMBER 8, 2004.

Chairman Jay Aston recognized Councilman Eliason.

CONSENT AGENDA

A) PW- 130-04 (16818) ELDORADO RCL 22, TM 20, PHASE 2

Approve the Subdivision Off-site Improvements Agreement by Pardee Homes of Nevada, and accept the Performance Bond in the amount of \$501, 591.64.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-130-04.

The motion carried by UNANIMOUS vote.

B) PW-131-04 (16820) CHEYENNE VALLEY RBF

Approve the Subdivision Off-Site Improvements Agreement by IREC/Cheyenne, Inc, and accept the subdivision Bond in the amount of \$1,394,508.72.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-131-04.

The motion carried by UNANIMOUS vote.

C) PW-132-04 (16821) NVE ACTIVE ADULT, UNIT 8, PHASE 2

Approve the Subdivision Off-Site Improvements Agreement by North Valley Enterprises, LLC and accept the Off-Site Improvement Bond in th amount of \$1,812,137.91.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-132-04.

The motion carried by UNANIMOUS vote.

D) PW-133-04 (16822) NVE PARCEL 69

Approve the Subdivision Off-Site Improvements Agreement by PN II, Inc dba Pulte Homes of Nevada and accept the Performance Bond in the amount of \$734,080.38.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-133-04.

The motion carried by UNANIMOUS vote.

E) PW-134-04 (16827) THE SHADOWS, UNIT 4

Approve the Subdivision Off-Site Improvements Agreement by Beazer Homes Holdings Corp and accept the Subdivision Bond in the amount of \$932,806.77.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-134-04.

The motion carried by UNANIMOUS vote.

F) PW-135-04 (16828) MADERA, UNIT 2

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify the American Home Assurance Company to release the Subdivision Bond in the amount of \$374,369.60.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-135-04.

The motion carried by UNANIMOUS vote.

G) PW-136-04 (16829) NPC CNLV PAYMENT CENTER, PHASE 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Wells Fargo Bank to release the Letter of Credit in the amount of \$42,717.46.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-136-04.

The motion carried by UNANIMOUS vote.

H) PW-137-04 (16830) NVE PARCELS 14 & 18, PHASE II

Approve the Subdivision Off-Site Improvements Agreement by PN II, Inc, dba Pulte Homes of Nevada and accept the Performance Bond in the amount of \$787,019.92.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE PW-137-04.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) AMP-71-04 (16424) PREMIER OFFICE PARK (Public Hearing)

An application submitted by Glen, Smith & Glen Development Co., 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 Office to Neighborhood Commercial. The property is located at the northeast corner of Martin Luther King Boulevard and Alexander Road. The Assessor's Parcel Number is 139-04-801-013.

The application was presented by Marc Jordan, Planning Manager who stated the property zoned neighborhood commercial should be located at the intersection of two 100 foot arterial streets and Martin Luther King Boulevard is a 100 foot right-of-way; however, Alexander Road is an 80 foot right-of-way. According to the market analysis given to Staff, there is approximately 842 acres of commercial land designated within a two mile radius of the site. Based on the Comprehensive Plan, where you would use 20 to 55 square feet of commercial space per capita, that would require approximately 146 to 403,000 population to support 842 acres of commercial. The market study indicated the Valley uses a methodology of approximately 94.2 square feet which would result in a population within the radius of 68,000. According to the guidelines of commercial property, at an intersection for neighborhood commercial should not exceed 35 acres. Since the next major intersection is Martin Luther King Boulevard and Craig Road, if this property were combined with that intersection, there would be approximately 331 acres at that intersection. If it were to combined with the intersection at Alexander Road and Martin Luther King Boulevard, there would be a little over 47 acres of commercial development. The Comprehensive Plan discourages strips of commercial. This property is approximately 360 feet deep and would be developed as strip commercial. When the item was rezoned to office approximately one year ago, one of the things considered was that office would serve as a better buffer adjacent to the residential to the east rather than commercial; therefore, Staff supported commercial. Mr. Jordan stated they had received a letter from Applied Analysis, the company who performed the market study, and they indicated the commercial square footage per capita for the Valley, it may be dated and the rate would be 94 square feet, according to their analysis, that it was really about 99 square feet per capita based on the Valley. Mr. Jordan stated Staff was recommending denial of AMP-71-04.

Ed Garcia, with the law firm of Jones Vargas, 3773 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant. He introduced Kenneth Smith of Glen, Smith & Glen Development Company. Mr. Garcia stated Brian Gordon with Applied Analysis was present to address any issues with the market analysis. He explained his client was not the original applicant on the project who requested the C-P zoning. The current applicant has the property under contract for C-1 zoning to build an office complex. The size of the buildings in the complex along Martin Luther King Boulevard exceed the 3,000 feet normally permitted in C-P zoning in North Las Vegas.

Kenneth Smith of Glen, Smith and Glen Development stated this is the third project his company has built in the Las Vegas Valley and they provide a high end type of development. The rear buildings would probably be mostly office uses and would probably fit in the C-P zoning, but 50% of the front buildings would go to uses that do not fit into the current C-P zone. He stated he could not undertake the project on that basis, because the market was deep enough for a 100% office use for that many acres on this site.

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

Chairman Aston closed the Public Hearing.

Vice Chairman Jo Cato asked Staff if the application were denied and the applicant moved forward with a full office complex, if a beauty salon or spa would be allowed. Planning Manager Marc Jordan responded it would not be allowed, it would be professional office only. She stated felt the corner of Martin Luther King and Alexander Road was prime frontage and the best use for the property would be commercial and asked if the application were approved, how there would be control of the types of businesses in the development. Mr. Jordan stated any permitted use would be allowed, only special uses would come before the Planning Commission for approval.

Commissioner Dean Leavitt asked the applicant what the rate of tenancy was in the other two projects they had completed. Mr. Smith responded they had a four year build-out and it was built out in 14 months. Out of sixteen buildings, there were two left.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE AMP-71-04 per Staff's recommendations.

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

AMP-71-04 WAS APPROVED.

2) ZN-87-04 (16423) PREMIER OFFICE PARK (Public Hearing)

An application submitted by Glen, Smith & Glen Development Co., LLC on behalf of the Lied Foundation Trust, property owner, for reclassification of property from a C-P Professional Office Commercial District to a C-1 Neighborhood Commercial District. The property is located at the northeast corner of Martin Luther King Boulevard and Alexander Road. The Assessor's Parcel Number is 139-04-801-013.

The application was presented by Marc Jordan, Planning Manager who stated the property zoned neighborhood commercial should be located at the intersection of two 100 foot arterial streets and Martin Luther King Boulevard is a 100 foot right-of-way; however, Alexander Road is an 80 foot right-of-way. According to the market analysis given to Staff, there is approximately 842 acres of commercial land designated within a two mile radius of the site. Based on the Comprehensive Plan, where you would use 20 to 55 square feet of commercial space per capita, that would require approximately 146 to 403,000 population to support 842 acres of commercial. The market study indicated the Valley uses a methodology of approximately 94.2 square feet which would result in a population within the radius of 68,000. According to the guidelines of commercial property, at an intersection for neighborhood commercial should not exceed 35 acres. Since the next major intersection is Martin Luther King Boulevard and Craig Road, if this property were combined with that intersection, there would be approximately 331 acres at that intersection. If it were to combined with the intersection at Alexander Road and Martin Luther King Boulevard, there would be a little over 47 acres of commercial development. The Comprehensive Plan discourages strips of commercial. This property is approximately 360 feet deep and would be developed as strip commercial. When the item was rezoned to office approximately one year ago, one of the things considered was that office would serve as a better buffer adjacent to the residential to the east rather than commercial; therefore, Staff supported commercial. Mr. Jordan stated they had received a letter from Applied Analysis, the company who performed the market study, and they indicated the commercial square footage per capita for the Valley, it may be dated and the rate would be 94 square feet, according to their analysis, that it was really about 99 square feet per capita based on the Valley. Mr. Jordan stated Staff was recommending denial of AMP-71-04.

Ed Garcia, with the law firm of Jones Vargas, 3773 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant. He introduced Kenneth Smith of Glen, Smith & Glen Development Company. Mr. Garcia stated Brian Gordon with Applied Analysis was present to address any issues with the market analysis. He explained his client was not the original applicant on the project who requested the C-P zoning. The current applicant has the property under contract for C-1 zoning to build an office complex. The size of the buildings in the complex along Martin Luther King Boulevard exceed the 3,000 feet normally permitted in C-P zoning in North Las Vegas.

Kenneth Smith of Glen, Smith and Glen Development stated this is the third project his company has built in the Las Vegas Valley and they provide a high end type of development. The rear buildings would probably be mostly office uses and would probably fit in the C-P zoning, but 50% of the front buildings would go to uses that do not fit into the current C-P zone. He stated he could not undertake the project on that basis, because the market was deep enough for a 100% office use for that many acres on this site.

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

Chairman Aston closed the Public Hearing.

Vice Chairman Jo Cato asked Staff if the application were denied and the applicant moved forward with a full office complex, if a beauty salon or spa would be allowed. Planning Manager Marc Jordan responded it would not be allowed, it would be professional office only. She stated felt the corner of Martin Luther King and Alexander Road was prime frontage and the best use for the property would be commercial and asked if the application were approved, how there would be control of the types of businesses in the development. Mr. Jordan stated any permitted use would be allowed, only special uses would come before the Planning Commission for approval.

Commissioner Dean Leavitt asked the applicant what the rate of tenancy was in the other two projects they had completed. Mr. Smith responded they had a four year build-out and it was built out in 14 months. Out of sixteen buildings, there were two left.

Commissioner Harry Shull MOVED and Vice Chairman Jo Cato SECONDED to APPROVE ZN-87-04 per Staff's recommendations.

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

ZN-87-04 WAS APPROVED.

3) AMP-72-04 (16452) MOUNTAIN SHADOW (Public Hearing)

An application submitted by R. L. Homes on behalf of Dark, LLC, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to MLDR Medium Low Density Residential. The property is located at the southwest corner of Goldfield Street and Regena Avenue. The Assessor's Parcel Numbers are 124-27-501-004, 124-27-501-006 and 124-27-501-007.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff believed this application would be a desirable transition of land use from Neighborhood Commercial to the north and Medium-Low Density to the south and also from Medium-High Density to the east and Low Density Residential to the west and would not create an island of Medium-Low Density Residential. The accompanying PUD demonstrates there would be 4500 square foot lots with a density that would be less than six units to the acre. Staff recommends approval of AMP-72-04.

Jennifer Lazovich of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 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 Harry Shull MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE AMP-72-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

AMP-72-04 WAS APPROVED.

4) ZN-88-04 (16453) MOUNTAIN SHADOW (Public Hearing)

An application submitted by R. L. Homes on behalf of Dark, LLC, property owner, for reclassification of property from an R-E Ranch Estates District to a PUD Planned Unit Development District consisting of 77 single-family dwellings. The property is located at the southwest corner of Goldfield Street and Regena Avenue. The Assessor's Parcel Numbers are 124-27-501-004, 124-27-501-006 and 124-27-501-007.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff had no objections to the Preliminary Development Plan except that lot 45, as shown, is slightly smaller than the minimum 4500 square foot requirement; however, according to the map, the applicant could adjust the lot lines adjacent to the property to show compliance with all minimum lot size requirements. Public Works indicated a vacation of Conway Street along the southwestern boundary of the project would be required in the future and the sidewalks along Commerce Street would need to be separated from the back of curb and meandering. Staff is recommending approval of ZN-88-04 subject to the following conditions:

1. Unless AMP-72-04 is approved by the City Council, this application shall be considered null and void.
2. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
3. The development shall not exceed 77 lots.
4. The dimensions of Lot #45 shall be revised in order to meet the minimum lot size of 4,500 square feet.
5. All utility and/or drainage easements shall be landscaped and improved in accordance with Section 17.24.210.D.4 of the *City of North Las Vegas Municipal Code*.
6. The development shall provide a minimum of 56,125 square feet (1.29± acres) of useable open space.
7. The developer shall meet with the Departments of Parks and Recreation and Planning and Zoning to determine the amenities to be provided prior to submittal of a final development plan.
8. At a minimum, the following amenities shall be provided within the open space:
 - a. Circuitous lighted paths
 - b. A minimum of twenty 24-inch box trees per acre
 - c. At least two differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada.
 - d. At least one large open space area for group/organized play
 - e. One large group shade area/gazebo (30' diameter), lighted
 - f. Picnic tables and barbecue grills
 - g. Benches spaced along park pathways
 - h. Details of amenities to be provided
9. The applicant shall apply for a vacation of Conway Street.
10. All Nevada Power Company easements and poles must be shown and shall be fully located within the landscape area. If any poles need to be relocated, it will be at the expense of the

developer.

11. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Commerce Street
 - b. Azure Avenue
 - c. Regena Avenue
 - d. Goldfield Street
12. Approval of a drainage study is required prior to submittal of the civil improvement plans.
13. All local facilities and street centerline grades must be constructed in conformance with the *City of North Las Vegas' North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
14. The property owner is required to grant roadway easements where public and private streets intersect.
15. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
16. A revocable encroachment permit for landscaping within the public right of way is required.
17. All common elements shall be labeled and are to be maintained by the Homeowners Association.
18. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards and must be approved by the City of Las Vegas Central Fire Alarm Office. If a conformed tentative map is required, the approved street names shall be shown on the map prior to final signatures.
19. Approval of a traffic study, with a queuing analysis, is required prior to submittal of the civil improvement plans.
20. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Commerce Street.
21. Proposed interior, private streets must meet the minimum standards for the City of North Las Vegas set forth in *Clark County Area Uniform Standard Drawing* No. 210. The use of roll curb will require an additional one foot of right of way.
22. As shown on the site plan, sidewalk, with a minimum width of four (4) feet, is required on a minimum of one side of all interior, private streets.
23. 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 street curb.

24. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works’ Construction Off-Site Improvements* Drawing Number 222.

25. Streets in excess of five hundred (500) feet shall conform to the minimum curvilinear street requirements as outlined in *North Las Vegas Municipal Code* 16.20.050.

“Curvilinear street” means a street in excess of five hundred (500) feet which has at least twenty-five (25) feet of lateral deviation from a straight course. For every five hundred (500) feet of additional street length, there is at least twenty-five (25) feet of lateral deviation per five hundred (500) foot street segment. (Ord. 1568 § 1 (part), 2001)

26. The installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording the Final Map.

Jennifer Lazovich of Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated 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 MOVED and Commissioner Harry Shull SECONDED to APPROVE ZN-88-04 per Staff’s recommendations.

The motion carried by UNANIMOUS vote.

ZN-88-04 WAS APPROVED.

5) T-1127 (16454) MOUNTAIN SHADOW

An application submitted by R. L. Homes on behalf of Dark, LLC, property owner, for approval of a tentative map in an R-E Ranch Estates District (proposed PUD Planned Unit Development District) consisting of 77 single-family dwellings. The property is located at the southwest corner of Goldfield Street and Regena Avenue. The Assessor's Parcel Numbers are 124-27-501-004, 124-27-501-006 and 124-27-501-007.

The application was presented by Marc Jordan Planning Manager on behalf of Staff who indicated Staff was recommending approval of T-1127 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. Should ZN-88-04 not be approved, this application shall be considered null and void.
3. The tentative map shall comply with all conditions of approval for ZN-88-04.
4. The developer shall meet with the Departments of Parks and Recreation and Planning and Zoning to determine the amenities to be provided prior to submittal of a final development plan.
5. At a minimum, the following amenities shall be provided within the open space:
 - a. Circuitous lighted paths
 - b. A minimum of twenty 24-inch box trees per acre
 - c. At least two differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada.
 - d. At least one large open space area for group/organized play
 - e. One large group shade area/gazebo (30' diameter), lighted
 - f. Picnic tables and barbecue grills
 - g. Benches spaced along park pathways
 - h. Details of amenities to be provided
6. The applicant shall apply for a vacation of Conway Street.
7. All Nevada Power Company easements and poles must be shown and shall be fully located within the landscape area. If any poles need to be relocated, it will be at the expense of the developer.
8. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Commerce Street
 - b. Azure Avenue
 - c. Regena Avenue
 - d. Goldfield Street
9. Approval of a drainage study is required prior to submittal of the civil improvement plans.
10. All local facilities and street centerline grades must be constructed in conformance with the *City of North Las Vegas' North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.

11. The property owner is required to grant roadway easements where public and private streets intersect.
12. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
13. A revocable encroachment permit for landscaping within the public right of way is required.
14. All common elements shall be labeled and are to be maintained by the Home Owners Association.
15. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards and must be approved by the City of Las Vegas Central Fire Alarm Office. If a conformed tentative map is required, the approved street names shall be shown on the map prior to final signatures.
16. Approval of a traffic study, with a queuing analysis, is required prior to submittal of the civil improvement plans.
17. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Commerce Street.
18. Proposed interior, private streets must meet the minimum standards for the City of North Las Vegas set forth in *Clark County Area Uniform Standard Drawing* No. 210. The use of roll curb will require an additional one foot of right of way.
19. As shown on the site plan, sidewalk, with a minimum width of four (4) feet, is required on a minimum of one side of all interior, private streets.
20. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
21. 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 street curb.
22. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
23. Streets in excess of five hundred (500) feet shall conform to the minimum curvilinear street requirements as outlined in *North Las Vegas Municipal Code* 16.20.050.

"Curvilinear street" means a street in excess of five hundred (500) feet which has at least twenty-five (25) feet of lateral deviation from a straight course. For every five hundred (500) feet of additional street length, there is at least twenty-five (25) feet of lateral deviation per five hundred (500) foot street segment. (Ord. 1568 § 1 (part), 2001)

24. The installation of sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording the Final Map.

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

Commissioner Nelson Stone asked Public Works Staff if Street C was over 500 feet. Lenny Badger of Public Works responded he was not sure but felt Staff measured it to make sure it was less than 500 feet or they would have imposed the curvilinear requirements.

Jennifer Lazovich presented a full scale drawing which showed the street was under 500 feet.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE T-1127 per Staff recommendations.

The motion carried by UNANIMOUS vote.

T-1127 WAS APPROVED.

6) AMP-73-04 (16440) TROPICAL SANDS (Public Hearing)

An application submitted by R. L. Homes on behalf of Dark, LLC, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to MLDR Medium-Low Density Residential. The property is located at the northwest corner of Commerce Street and Tropical Parkway. The Assessor's Parcel Number is 124-27-202-005.

It was requested by the applicant that AMP-73-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following applicant declined to comment until the item was heard:

- J.D. Haddock, 511 Flemington, North Las Vegas, NV 89031

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-73-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

AMP-73-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

7) ZN-89-04 (16441) TROPICAL SANDS (Public Hearing)

An application submitted by R. L. Homes, on behalf of Dark, LLC, property owner, for reclassification of property from an R-E Ranch Estates District to a PUD Planned Unit Development District consisting of 22 single-family dwellings. The property is located at the northwest corner of Commerce Street and Tropical Parkway. The Assessor's Parcel Number is 124-27-202-005.

It was requested by the applicant that ZN-89-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participant declined to comment until the item was heard:

- J.D. Haddock, 511 Flemington, North Las Vegas, NV 89031

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-89-04 TO SEPTEMBER 8, 2004.

The motion carried by UNANIMOUS vote.

ZN-89-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

8) T-1128 (16442) TROPICAL SANDS

An application submitted by R. L. Homes, on behalf of Dark, LLC, property owner, for approval of a tentative map in an R-E Ranch Estates District (proposed PUD Planned Unit Development District) consisting of 22 single-family dwellings. The property is located at the northwest corner Commerce Street and Tropical Parkway. The Assessor's Parcel Number is 124-27-202-005.

It was requested by the applicant that T-1128 be continued to September 8, 2004.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE T-1128 TO SEPTEMBER 8, 2004

The motion carried by UNANIMOUS vote.

T-1128 WAS CONTINUED TO SEPTEMBER 8, 2004.

9) AMP-74-04 (16459) I-15 & I-215 (Public Hearing)

An application submitted by Unlimited Holdings, Inc., on behalf of Patrick Peck and Maria Manock, Unlimited Holdings, Inc., the Stanley Krolak Rev. Trust, Silver Sky Management, Gregory Pruett, and Maury Peck, property owners, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Industrial to Regional Commercial. The property is generally located at the northwest corner of Linn Lane and Tropical Parkway. The Assessor's Parcel Numbers are 123-28-201-010, 123-28-601-001, 123-28-601-010, 123-28-601-011- 123-28-601-012, 123-28-601-013, 123-28-601-014, 123-28-601-015, 123-28-601-016, 123-28-601-017 and 123-28-601-026.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending denial due to the continual erosion of industrial land in the City not allowing for the proper balance of land uses that make for a viable community. Also, the Master Plan of Streets and Highways was recently amended to include roadways for the area which was recently annexed and one of the roadways would cut through the center of the site, so in order to develop one cohesive shopping center as indicated in the letter of intent was not possible unless the street was vacated and that was not possible as it had not been dedicated yet but the idea was that there would be two separate developments. If the draw for the shopping center was from Nellis Air Force Base, Staff feels that is not likely because Nellis Air Force Base has a BX and a commissary. There is also a Super Walmart adjacent to Nellis Air Force Base. The residents who would be supporting this project would be coming from the beltway, Aliante or northern parts of the developed North Las Vegas communities and with the commercial property that was either approved or under construction, it does not seem that this project would be viable and Staff was recommending denial of AMP-74-04.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he worked for had performed work on the project.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant and stated he felt the project complied with the guidelines within the Master Plan. He stated this was a regional commercial request for the Master Plan Amendment, should be at the intersection of two 100 foot arterials or greater or convenient access to Interstate 15 or the Beltway. He stated this was at the intersection of Tropical Parkway, which is going to be under the new master street plan amendment which was recently prepared. A 100 foot right-of-way off of I-15 and the intersection of I-215. The juncture of both of those lead to the subject property. The property is almost 37 acres so it meets the guideline that the property must be at least 20 acres. The guidelines also state it should not be placed adjacent or next to existing planned single family residences and that is not the case with this application. The other guidelines indicated by Staff were all taken care of during the site plan review process. He felt this project met the guidelines in the Master Plan. Mr. Garcia stated as far as the issue of protecting industrial by not encouraging residential, which was occurring in this area, was something that was opposed by the Planning Commission and City Council and the City wanted to preserve large areas for industrial. He stated this project does not threaten the industrial area, it will not stop the development of industrial projects in the area. He stated the project would support future industrial development. There are probably approximately 1100 acres of industrial area set aside.

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

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked Staff which road would be bisecting the subject property. Clete Kus of Public Works Transportation Services responded it was the Tropical alignment. Essentially the road would curve and tie in to pick up the alignment opposite the Beltway.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to APPROVE AMP-74-04.

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

AMP-74-04 was APPROVED.

10) ZN-91-04 (16457) I-15 & I-215 (Public Hearing)

An application submitted by Unlimited Holdings, Inc., on behalf of Patrick Peck and Maria Manock, Unlimited Holdings, Inc., the Stanley Krolak Rev. Trust, Silver Sky Management, Gregory Pruett, and Maury Peck, property owners, for reclassification of property from an O-L Open Land District to a C-2 General Commercial District. The property is generally located at the northwest corner of Linn Lane and Tropical Parkway. The Assessor's Parcel Numbers are 123-28-201-010, 123-28-601-001, 123-28-601-010, 123-28-601-011- 123-28-601-012, 123-28-601-013, 123-28-601-014, 123-28-601-015, 123-28-601-016, 123-28-601-017 and 123-28-601-026.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending denial due to the continual erosion of industrial land in the City not allowing for the proper balance of land uses that make for a viable community. Also, the Master Plan of Streets and Highways was recently amended to include roadways for the area which was recently annexed and one of the roadways would cut through the center of the site, so in order to develop one cohesive shopping center as indicated in the letter of intent was not possible unless the street was vacated and that was not possible as it had not been dedicated yet but the idea was that there would be two separate developments. If the draw for the shopping center was from Nellis Air Force Base, Staff feels that is not likely because Nellis Air Force Base has a BX and a commissary. There is also a Super Walmart adjacent to Nellis Air Force Base. The residents who would be supporting this project would be coming from the beltway, Aliante or northern parts of the developed North Las Vegas communities and with the commercial property that was either approved or under construction, it does not seem that this project would be viable and Staff was recommending denial of AMP-74-04.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he worked for had performed work on the project.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant and stated he felt the project complied with the guidelines within the Master Plan. He stated this was a regional commercial request for the Master Plan Amendment, should be at the intersection of two 100 foot arterials or greater or convenient access to Interstate 15 or the Beltway. He stated this was at the intersection of Tropical Parkway, which is going to be under the new master street plan amendment which was recently prepared. A 100 foot right-of-way off of I-15 and the intersection of I-215. The juncture of both of those lead to the subject property. The property is almost 37 acres so it meets the guideline that the property must be at least 20 acres. The guidelines also state it should not be placed adjacent or next to existing planned single family residences and that is not the case with this application. The other guidelines indicated by Staff were all taken care of during the site plan review process. He felt this project met the guidelines in the Master Plan. Mr. Garcia stated as far as the issue of protecting industrial by not encouraging residential, which was occurring in this area, was something that was opposed by the Planning Commission and City Council and the City wanted to preserve large areas for industrial. He stated this project does not threaten the industrial area, it will not stop the development of industrial projects in the area. He stated the project would support future industrial development. There are probably approximately 1100 acres of industrial area set aside.

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

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked Staff which road would be bisecting the subject property. Clete Kus of Public Works Transportation Services responded it was the Tropical alignment. Essentially the road would curve and tie in to pick up the alignment opposite the Beltway.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE ZN-91-04.

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

ZN-91-04 was APPROVED.

11) AMP-75-04 (16455) MARCELLO AIRPORT CENTER (Public Hearing)

An application submitted by Martin & Martin Civil Engineers on behalf of the County of Clark Dept. of Aviation, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Business, Research or Development Park to Community Commercial. The property is located east of Rancho Drive approximately 1,600 feet north of Carey Avenue. The Assessor's Parcel Number is 139-18-303-005.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff, stating the property would be part of the commercial development to the south. According to the guidelines, the property should be located at the intersection of two 100 foot rights-of-way. Carey Avenue is a 100 foot right-of-way and Rancho Drive is a U.S. Highway. It would be approximately 31 acres when combined with the property to the south. The project meets the guidelines; therefore, Staff is recommending that AMP-75-04 be approved.

Jon Wakenhut of Martin & Martin Civil Engineers, 2101 South Jones Boulevard, Las Vegas, NV 89146 appeared on behalf of the applicant and 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 AMP-75-04.

The motion carried by UNANIMOUS vote.

AMP-75-04 was APPROVED.

12) ZN-90-04 (16433) MARCELLO AIRPORT CENTER (Public Hearing)

An application submitted by Martin & Martin Civil Engineers on behalf of the County of Clark Dept. of Aviation, property owner, for reclassification of property from an M-2 General Industrial District to a C-2 General Commercial District. The property is located east of Rancho Drive approximately 1,600 north of Carey Avenue. The Assessor's Parcel Number is 139-18-303-005.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff, stating the property would be part of the commercial development to the south. According to the guidelines, the property should be located at the intersection of two 100 foot rights-of-way. Carey Avenue is a 100 foot right-of-way and Rancho Drive is a U.S. Highway. It would be approximately 31 acres when combined with the property to the south. The project meets the guidelines; therefore, Staff is recommending that ZN-90-04 be approved.

Jon Wakenhut of Martin & Martin Civil Engineers, 2101 South Jones Boulevard, Las Vegas, NV 89146 appeared on behalf of the applicant and 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 ZN-90-04.

The motion carried by UNANIMOUS vote.

ZN-90-04 was APPROVED.

13) AMP-76-04 (16438) DECATUR & RANCH HOUSE (Public Hearing)

An application submitted by Land Baron Investments on behalf of Bermuda & Boulevard, LLC, et.al, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of HDR High Density Residential to Regional Commercial. The property is located at the northwest corner of San Mateo Street and Ranch House Road. The Assessor's Parcel Number is 124-30-101-009.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who stated based on the guidelines for Regional Commercial, the property should be located at the intersection of two 100 foot rights-of-way with access to the future Beltway. The property has access to the future Beltway and is located at San Mateo and Rice Avenue, which are both 60 foot rights-of-way. Regional Commercial projects should be no smaller than 20 acres and this property is approximately 10 acres in size; however, when Staff was reviewing the item, they took a look at the Neighborhood Commercial guidelines and according to those guidelines, this particular area would be better suited as Neighborhood Commercial, so Staff is recommending that AMP-76-04 be approved for Neighborhood Commercial.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He showed a land use plan, stating it was not current because it did not include all the amendments. He stated the subject property was surrounded with C-2 zoning and felt it was appropriate and consistent with both the existing patterned land uses and approvals and what was likely to occur in the area, given the land use plan.

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

Chairman Aston closed the Public Hearing.

Commissioner Nelson Stone MOVED and Commissioner Steve Brown SECONDED to APPROVE AMP-76-04, from HDR High Density Residential to Regional Commercial.

The motion carried by UNANIMOUS vote.

AMP-76-04 was APPROVED.

14) ZN-92-04 (16439) DECATUR & RANCH HOUSE (Public Hearing)

An application submitted by Land Baron Investments on behalf of Bermuda & Boulevard, LLC, et. al., property owner, for reclassification of property from an R-1 Single-Family Residential District to a C-2 General Commercial District. The property is located at the northwest corner of San Mateo Street and Ranch House Road. The Assessor's Parcel Number is 124-30-101-009.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who stated based on the guidelines for Regional Commercial, the property should be located at the intersection of two 100 foot rights-of-way with access to the future Beltway. The property has access to the future Beltway and is located at San Mateo and Rice Avenue, which are both 60 foot rights-of-way. Regional Commercial projects should be no smaller than 20 acres and this property is approximately 10 acres in size; however, when Staff was reviewing the item, they took a look at the Neighborhood Commercial guidelines and according to those guidelines, this particular area would be better suited as Neighborhood Commercial, so Staff is recommending that ZN-92-04 be approved for Neighborhood Commercial.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He showed a land use plan, stating it was not current because it did not include all the amendments. He stated the subject property was surrounded with C-2 zoning and felt it was appropriate and consistent with both the existing patterned land uses and approvals and what was likely to occur in the area, given the land use plan.

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

Chairman Aston closed the Public Hearing.

Commissioner Nelson Stone MOVED and Commissioner Harry Shull SECONDED to APPROVE ZN-92-04, from R-1 Single-Family Residential to C-2 Community Commercial.

The motion carried by UNANIMOUS vote.

ZN-92-04 was APPROVED.

15) ZN-93-04 (16429) DECATUR & BELTWAY (Public Hearing)

An application submitted by Land Baron Investments on behalf of Joe Dirt, LLC, property owner, for reclassification of property from an R-1 Single-Family Residential District to a C-2 General Commercial District. The property is located at the southwest corner of San Mateo Street and Centennial Parkway. The Assessor's Parcel Number is 124-30-101-008.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who stated Staff was recommending that ZN-93-04 be approved.

George Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant and 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 Vice-Chairman Jo Cato SECONDED to APPROVE ZN-93-04.

The motion carried by UNANIMOUS vote.

ZN-93-04 was APPROVED.

16) ZN-69-03 (16422) NELSON RANCH (Public Hearing)

An application submitted by Centex Homes, property owner, for amendment of conditions to a previously approved reclassification of property from an O-L Open Land District to a PUD Planned Unit Development District consisting of 520 single-family dwellings and 167 duplexes. The property is located at the northeast corner of Aviary Way and Grand Teton Drive. The Assessor's Parcel Numbers are 124-07-701-001, 124-07-701-002, and 124-07-801-001. A complete legal description is on file with the Planning and Zoning Department.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who stated the applicant was requesting to delete Condition No. 17. Condition No. 17 prohibits vinyl fencing within the development. On February 18, 2004, Council approved an ordinance that would allow vinyl fencing within certain areas of all residential units. He stated Staff was recommending approval to delete Condition No. 17 as Title 17 contains provisions regarding vinyl fencing.

Kathryn Grider of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated she concurred with Staff recommendations.

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-69-03 with the deletion of Condition No. 17.

The motion carried by UNANIMOUS vote.

ZN-69-03 was APPROVED.

17) UN-116-04 (16405) WEST GOWAN OFFICE PARK (Public Hearing)

An application submitted by Patrick G. Duke, on behalf of Casey Real Estate Holdings, LLC, property owner, for a use permit in an M-2 General Industrial District to allow an automobile service facility. The property is located at 2267 West Gowan, Suite 101. The Assessor's Parcel Number is 139-08-701-026.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of UN-116-04 subject to the following conditions:

1. That unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
2. That UN-116-04 is site-specific and non-transferable; and
3. The property owner is required to grant a roadway easement for the commercial driveway.

Patrick Duke, 15 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he concurred with Staff recommendations.

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

- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he was in favor of this application.

Chairman Aston closed the Public Hearing.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-116-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

UN-116-04 was APPROVED.

18) UN-117-04 (16446) CRAIG PALMS PLAZA (Public Hearing)

An application submitted by Mesa Investment, LLC on behalf of the Lied Foundation Trust, property owner, for a use permit in a C-2 General Commercial District to allow a convenience food restaurant with a drive-thru. The property is located at the southwest corner of Craig Road and Revere Street. The Assessor's Parcel Number is 139-04-701-002.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he works for prepared the tentative map.

Commissioner Harry Shull stated he would be abstaining from the vote on this item as he was under contract to buy the back half of the property from the applicant.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-117-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of this site be in compliance with the Commercial Development Standards and Design Guidelines.
3. The use permit (UN-117-04) is site-specific and non-transferable.
4. The use permit (UN-117-04) shall comply with all conditions of approval for SPR-38-04.

Michael Bradshaw of Bradshaw and Associates, 3753 Howard Hughes Parkway, Las Vegas, NV 89109 stated he concurred with Staff recommendations.

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

- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he was in favor of this item.
- Bob Borgersen, 4751 Possum Berry, North Las Vegas, NV 89081 stated he was in favor of this item.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 stated she was also speaking on behalf of Patty & Dick Moyer, 608 Spirit Lake; Mike Moreno, 603 Spirit Lake; and Gary and Marilyn Cole, 622 Heartland Point, North Las Vegas, NV 89032. She stated they were all in favor of the project. She stated there was a petition for a street light on the corner of Revere and Craig Road due to the death of a child and there had already been a pedestrian walkway installed.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 stated she was in support of this project.

Vice-Chairman Jo Cato stated she was in favor of this project.

Chairman Aston closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Vice-Chairman Jo Cato SECONDED to APPROVE UN-117-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Commissioners Nelson Stone and Harry Shull Abstaining.

UN-117-04 was APPROVED.

19) UN-118-04 (16445) CRAIG PALMS PLAZA (Public Hearing)

An application submitted by Mesa Investment, LLC on behalf of the Lied Foundation Trust, property owner, for a use permit in a C-2 General Commercial District to allow an automobile service facility. The property is located at the southwest corner of Craig Road and Revere Street. The Assessor's Parcel Number is 139-04-701-002.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he works for prepared the tentative map.

Commissioner Harry Shull stated he would be abstaining from the vote on this item as he was under contract to buy the back half of the property from the applicant.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-118-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of this site be in compliance with the Commercial Development Standards and Design Guidelines.
3. The use permit (UN-118-04) is site-specific and non-transferable.
4. The use permit (UN-118-04) shall comply with all conditions of approval for SPR-38-04.

Michael Bradshaw of Bradshaw and Associates, 3753 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he was in favor of this item.
- Bob Borgersen, 4751 Possum Berry, North Las Vegas, NV 89081 stated he was in favor of this item.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 stated she was also speaking on behalf of Patty & Dick Moyer, 608 Spirit Lake; Mike Moreno, 603 Spirit Lake; and Gary and Marilyn Cole, 622 Heartland Point, North Las Vegas, NV 89032. She stated they were all in favor of the project. She stated there was a petition for a street light on the corner of Revere and Craig Road due to the death of a child and there had already been a pedestrian walkway installed.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 stated she was in support of this project.

Chairman Aston closed the Public Hearing.

Vice Chairman Jo Cato MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-118-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Commissioners Nelson Stone and Harry Shull Abstaining.

UN-118-04 was APPROVED.

20) UN-119-04 (16444) CRAIG PALMS PLAZA (Public Hearing)

An application submitted by Mesa Investment, LLC on behalf of the Lied Foundation Trust, property owner, for a use permit in a C-2 General Commercial District to allow the "on sale" of alcohol in conjunction with a restaurant. The property is located at the southwest corner of Craig Road and Revere Street. The Assessor's Parcel Number is 139-04-701-002.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he works for prepared the tentative map.

Commissioner Harry Shull stated he would be abstaining from the vote on this item as he was under contract to buy the back half of the property from the applicant.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-119-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development 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*.
3. The use permit (UN-119-04) is site-specific and non-transferable.
4. The use permit (UN-119-04) shall comply with all conditions of approval for SPR-38-04.

Michael Bradshaw of Bradshaw and Associates, 3753 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he was in favor of this item.
- Bob Borgersen, 4751 Possum Berry, North Las Vegas, NV 89081 stated he was in favor of this item.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 stated she was also speaking on behalf of Patty & Dick Moyer, 608 Spirit Lake; Mike Moreno, 603 Spirit Lake; and Gary and Marilyn Cole, 622 Heartland Point, North Las Vegas, NV 89032. She stated they were all in favor of the project. She stated there was a petition for a street light on the corner of Revere and Craig Road due to the death of a child and there had already been a pedestrian walkway installed.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 stated she was in support of this project.

Chairman Aston Closed the Public Hearing.

Commissioner Dean Leavitt MOVED and Vice-Chairman Jo Cato SECONDED to APPROVE UN-119-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Commissioners Nelson Stone and Harry Shull Abstaining.

UN-119-04 was APPROVED.

21) UN-120-04 (16443) CRAIG PALMS PLAZA (Public Hearing)

An application submitted by Mesa Investment, LLC on behalf of the Lied Foundation Trust, property owner, for a use permit in a C-2 General Commercial District to allow a convenience food restaurant with a drive-thru. The property is located at the southwest corner of Craig Road and Revere Street. The Assessor's Parcel Number is 139-04-701-002.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he works for prepared the tentative map.

Commissioner Harry Shull stated he would be abstaining from the vote on this item as he was under contract to buy the back half of the property from the applicant.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-120-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of this site be in compliance with the Commercial Development Standards and Design Guidelines.
3. The use permit (UN-120-04) is site-specific and non-transferable.
4. The use permit (UN-120-04) shall comply with all conditions of approval for SPR-38-04.

Michael Bradshaw of Bradshaw and Associates, 3753 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 stated he was in favor of this item.
- Bob Borgersen, 4751 Possum Berry, North Las Vegas, NV 89081 stated he was in favor of this item.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 stated she was also speaking on behalf of Patty & Dick Moyer, 608 Spirit Lake; Mike Moreno, 603 Spirit Lake; and Gary and Marilyn Cole, 622 Heartland Point, North Las Vegas, NV 89032. She stated they were all in favor of the project. She stated there was a petition for a street light on the corner of Revere and Craig Road due to the death of a child and there had already been a pedestrian walkway installed.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 stated she was in support of this project.

Chairman Aston closed the Public Hearing.

Vice-Chairman Jo Cato MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE UN-120-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Commissioners Nelson Stone and Harry Shull Abstaining.

UN-120-04 was APPROVED.

Item No 39 was Heard next.

22) UN-121-04 (16460) STORAGE ONE (Public Hearing)

An application submitted by Beaudée Corporation, property owner, for a use permit in a C-2 General Commercial District to allow mini-warehousing. The property is generally located east of North Fifth Street approximately 440 feet north of Craig Road. The Assessor's Parcel Number is 139-02-214-002.

It was requested by the applicant that UN-121-04 be continued to September 8, 2004.

Chairman Jay Aston opened the Public Hearing. The following participants declined to comment until the item was heard:

- Deborah Lewis, 4010 Hemphill Street, North Las Vegas 89032
- Gail Tominac, 523 Craig Creek Avenue, North Las Vegas, NV 89032
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032

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

Commissioner Harry Shull MOVED and Vice Chairman Jo Cato SECONDED to CONTINUE UN-121-04 to September 8, 2004.

The motion carried by UNANIMOUS vote.

UN-121-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

23) UN-122-04 (16472) I HAVE A DREAM FOUNDATION (Public Hearing)

An application submitted by Texas Station, Inc., on behalf of Texas Gambling Hall & Hotel, Inc., property owner, for a use permit in a C-2 General Commercial District to allow seven (7) temporary trailers as a community center. The property is located at 2101 Texas Star Lane. The Assessor's Parcel Number is 139-19-602-001.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending denial.

Matt Heinhold, Corporate Counsel for Station Casinos, 2411 West Sahara Avenue, Las Vegas, NV 89102 and Kevin Stallworthy, Principal of Jones Vargas and co-sponsor, board member and Vice President of I Have a Dream Foundation Las Vegas, 1009 Sagerock Way, North Las Vegas, NV 89031 appeared on behalf of the applicant.

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

Chairman Aston closed the Public Hearing.

Matt Heinhold stated he would like to comment on Staff's recommendations and asked Kevin Stallworthy to give some history of the I Have a Dream Foundation. Mr. Stallworthy explained the I Have a Dream Foundation and how it has evolved in Las Vegas. Mr. Heinhold stated Staff's concern was based on an ordinance that states in order to approve a temporary building under a special use permit, the applicant must show permanent construction or permanent remodeling is eminent. He felt this use should be allowed. He stated he agreed with the first five conditions Staff recommends if the Commission were to approve this item but Condition Nos. 6 and 7 would prevent them from obtaining their goal as it would place an unnecessary time limit on the project and the second requires that proof be shown that they are starting a permanent facility before they can set up the trailers.

Commissioner Dean Leavitt asked the applicant if the portable classroom were being purchased or leased. Mr. Heinhold responded the I Have a Dream Foundation would be leasing them and Station Casinos would be providing the funding. Commissioner Leavitt asked if there was a time line as far as the length of time the trailers would be needed. Mr. Heinhold stated the ordinance provided for a one year use with a possibility for two one year extensions but it depended on what the Foundation needed at the time. Commissioner Leavitt asked if the Foundation was in the process of looking for property or a building to purchase. Mr. Heinhold responded the Foundation came to Station Casinos asking what they had available and this is what they were able to offer.

Vice-Chairman Jo Cato asked if there was currently a trailer in the back parking lot of Texas Station. Mr. Heinhold responded there was. Vice-Chairman Cato asked Staff if there was already a trailer on the property, why this request should not be allowed. Marc Jordan, Planning Manager, responded when Staff reviewed the item, it was based on the guidelines of the requirements in the zoning ordinance and the reason for recommending denial was because they had not indicated when a permanent facility would be constructed and that was a requirement Staff must use. There was no objection to the temporary building or the location of the building.

Senior Deputy City Attorney Jim Lewis stated there was an ordinance which states the applicant must state when a permanent facility would be completed. Unfortunately, the applicant has not been able to say when the permanent location would be found but the Commission has the discretion to approve any item they choose. With regard to Condition No. 6, an approval with

Condition No. 6, negates the approval for the applicant because they would not be able to put the trailers in. If the item were to be approved, Condition No. 6 would need to be deleted.

Commissioner Steve Brown asked Staff the difference between the trailers in this application and temporary structures that have been approved, where they have to put stucco on them and they can be there for five years, like the one at Salvation Army. Mr. Jordan responded the difference was, the one for Salvation Army was built on a permanent foundation and was built to be a permanent facility and this applicant was not proposing a permanent foundation.

Commissioner Harry Shull stated on the application it showed up to seven trailers would be installed, each being about 700 square feet and asked if they were starting with seven trailers. Mr. Heinhold responded they were starting with six and did not anticipate needing the seventh trailer but would like the flexibility. Commissioner Shull asked if the total space under roof would be about 5,000 square feet if they used all seven trailers? Mr. Heinhold stated that was correct.

Commissioner Steve Brown MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-122-04 per Staff's recommendations with the deletion of Condition No. 6, Conditions revised as follows:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances; and
2. That a maximum seven (7) trailers be permitted; and
3. That the temporary trailers shall be located as indicated on the site plan; and
4. That each trailer shall not be larger than 12' x 60'; and
5. That the facility shall be ADA-compliant; and
6. That the trailers be removed within seven (7) calendar days of the issuance of a Certificate of Occupancy for the permanent facility, or by August 25, 2005, whichever is sooner.

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

UN-122-04 was APPROVED.

24) VN-17-04 (16420) DONNA & DEER SPRINGS (Public Hearing)

An application submitted by Centex Homes, property owner, for a variance in an R-1 Single-Family Residential District to allow a corner side yard setback of 8.18 feet where 10 feet is required. The property is located at 1705 John Bevy Court. The Assessor's Parcel Number is 124-23-711-061.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was not supporting the request as evidence has not been presented that would allow favorable recommendation and compliance with the ordinance requirements and NRS 278.300; therefore, Staff was recommending denial of VN-17-04.

Kathryn Grider of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated they were requesting a variance on a single lot, Lot No. 422, in a 516 lot subdivision called Donna and Deer Springs. She stated they determined it would be better to maintain the interior set-back at five feet as not to impact the closest neighbor and throwing all of the variance into the side along the street. They are requesting the set-back to be a total of 7.68 feet minimum on the street side. Of the 516 lots, there are three that the home do not fit on. The total impact is only on the street, so in the entire subdivision, only the side is being affected; however, the landscape set-back is not. There is still 6.5 feet of landscape. She stated she believed the intent of the ordinance for the corner side set-back was to allow for street scape for the 6.5 foot of landscaping then the sidewalk, so there would be nice street scapes and there would not be a block wall against the sidewalk. Ms. Grider stated it would be an undue hardship on the developer to redesign the home for this lot.

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

Chairman Aston closed the Public Hearing.

Chairman Jay Aston asked Ms. Grider to show the footprint on the overhead and asked how many different house plans there were. Ms. Grider responded there were four. Chairman Aston asked if the plan on this lot was the largest or the smallest. Ms. Grider responded this was the smallest plan, that none of the plans would fit on this lot. Chairman Aston asked if the smallest section was 7.68 and the other 10.89. Ms. Grider responded that was correct. Ms. Grider stated they were not moving the block wall or the landscaping; they were moving the house.

Chairman Aston asked if the Fire Department had any issues with this variance request. Jimmy Johnson of the Fire Department responded there were some issues with accessibility to the back side of the lot. He felt the other side would give adequate access but there would be no access on the corner by the block wall.

Commissioner Nelson Stone asked Public Works Staff if corner lots had a larger side yard set-back on the street side for traffic visibility. Lenny Badger of Public Works responded that was one of the benefits but it was more for an aesthetic benefit than for the visibility. Commissioner Stone asked Mr. Badger if he was satisfied that the site visibility would be okay with this set-up. Mr. Badger responded he was satisfied with the set-up.

Marc Jordan, Planning Manager asked the City Attorney if when the variance was advertised at 8.18 feet, and the applicant had indicated they were asking for a 7.68 foot set-back and that was not listed within the public hearing notice sent out, if they were requesting something less than the 8.18 feet if the item would need to be continued so the surrounding property owners could be notified of the new request. Senior Deputy City Attorney Jim Lewis responded the variance request

should be renoticed.

Commissioner Harry Shull stated a continuance might be in order and suggested if the item were continued, because of the closeness of the house on the one side, he asked Staff if it would be possible to put some kind of gate so in the event of a fire, the Fire Department could have access through a gate. Jimmy Johnson of the Fire Department responded there was other means of egress to this location. The approval of the variance would not impact the Fire Department in such a negative way that they would not make a recommendation for approval.

Commissioner Steve Brown asked the applicant if the set-back on the one side was five foot. Ms. Grider responded that was correct. Commissioner Brown stated the current diagram showed 4.5 feet and asked why that was changed. Ms. Grider responded it was because they thought an administrative variance could be done on the east side of the property and then request a variance on the other side but Staff did not agree and they determined it was impacting the closest neighbor so they decided to increase it and put the variance on the street side.

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to CONTINUE VN-17-04 TO OCTOBER 13, 2004.

The motion carried by UNANIMOUS vote.

VN-17-04 was CONTINUED TO OCTOBER 13, 2004.

25) VN-18-04 (16421) DONNA & DEER SPRINGS (Public Hearing)

An application submitted by Centex Homes, property owner, for a variance in an R-1 Single-Family Residential District to allow a corner side yard setback of 7.28 feet where 10 feet is required. The property is located at 1704 Peyton Stewart Court. The Assessor's Parcel Number is 124-23-711-062.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was not supporting the request as evidence has not been presented that would allow favorable recommendation and compliance with the ordinance requirements and NRS 278.300; therefore, Staff was recommending denial of VN-18-04.

Kathryn Grider of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated they were requesting to reduce the set-back to 6.78, keeping the same five foot on the internal set-back and would be agreeable to continuing the item to October 13, 2004.

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

Chairman Aston closed the Public Hearing.

Chairman Jay Aston asked Staff how far the block wall along the landscape area had to go, if it could stop along the side of the house and return to the house. Mr. Jordan, Planning Manager, responded there was no requirement to bring the wall to the end of the house.

Commissioner Nelson Stone asked if this was a two story home. Ms. Grider responded it was. Commissioner Stone requested when the item comes back, that the applicant demonstrate the standard plans submitted, are the smallest footprint.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to CONTINUE VN-18-04 to October 13, 2004 WITH APPLICANT TO DEMONSTRATE THAT THIS IS THE SMALLEST FOOTPRINT.

The motion carried by UNANIMOUS vote.

VN-18-04 was CONTINUED TO OCTOBER 13, 2004 WITH DEMONSTRATION BY THE APPLICANT THAT THIS IS THE SMALLEST FOOTPRINT.

26) VN-19-04 (16462) DEL NORTE PLAZA (Public Hearing)

An application submitted by Great American Capital on behalf of Vestin Mortgage, Inc., property owner, for a variance in a PUD Planned Unit Development District to allow a front setback of 13' 4" where 20 feet is required. The property is generally located west of Rancho Del Norte Drive and approximately 512 feet southeast of Camino Al Norte. The Assessor's Parcel Number is 124-34-330-003.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VN-19-04 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. That the landscaping provided in the reduced setback areas shall be designed and installed to provide 75% ground coverage within two years of planting.
3. All applicable conditions of ZN-32-04 and FDP-04-00 shall be met.

Marc LeMoine, 9081 West Sahara Avenue, Las Vegas, NV 89117 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Michael Mas, 616 Rio Del Sol Drive, North Las Vegas, NV 89031 stated he felt public safety should be considered on this item and was opposed to the variance.
- Amy Draper, 4919 Via Luis Court, North Las Vegas, NV 89031 stated she was opposed to this item due to safety concerns and increased traffic.

Chairman Aston closed the Public Hearing.

Marc LeMoine stated the concerns expressed by the residents were existing conditions and his project would not affect the traffic to the apartments or the people using Lone Mountain Road. A Good portion of Rancho del Norte is already fronted by commercial uses, this project extends that use a little further. The reduced setbacks will not affect the site lines for the cars using the parking lots for the individual offices. The intention of the small office buildings is that they would be attractive to professionals who were living in the neighborhood so they could open an office close to home.

Commissioner Steve Brown asked the width of the right-of-way of Camino del Norte where it narrows just past the commercial area. Lenny Badger of Public Works stated it was approximately 60 foot. Commissioner Brown stated it would be narrow for the benefit of the concerned citizens and asked Traffic to address the issues regarding traffic flow. Clete Kus with Traffic responded they were continuing to monitor traffic issues throughout the City and stated they could conduct a speed study for the area and, if needed, forward measures to abate the problems.

Commissioner Harry Shull MOVED and Commissioner Nelson Stone SECONDED to APPROVE VN-19-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Vice-Chairman Jo Cato voting NO.

VN-19-04 was APPROVED SUBJECT TO STAFF RECOMMENDATIONS.

27) VN-20-04 (16465) DEL NORTE PLAZA (Public Hearing)

An application submitted by Great American Capital on behalf of Vestin Mortgage, Inc., property owner, for a variance in a PUD Planned Unit Development District to allow a front setback of 17 feet where 20 feet is required. The property is generally located west of Rancho Del Norte Drive and approximately 226 feet southeast of Camino Al Norte. The Assessor's Parcel Number is 124-34-330-006.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VN-20-04 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. That the landscaping provided in the reduced setback areas shall be designed and installed to provide 75% ground coverage within two years of planting.
3. All applicable conditions of ZN-32-04 and FDP-04-00 shall be met.

Marc LeMoine, 9081 West Sahara Avenue, Las Vegas, NV 89117 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Michael Mas, 616 Rio Del Sol Drive, North Las Vegas, NV 89031 stated he felt public safety should be considered on this item and was opposed to the variance.
- Amy Draper, 4919 Via Luis Court, North Las Vegas, NV 89031 stated she was opposed to this item due to safety concerns and increased traffic.

Chairman Aston closed the Public Hearing.

Marc LeMoine stated the concerns expressed by the residents were existing conditions and his project would not affect the traffic to the apartments or the people using Lone Mountain Road. A Good portion of Rancho del Norte is already fronted by commercial uses, this project extends that use a little further. The reduced setbacks will not affect the site lines for the cars using the parking lots for the individual offices. The intention of the small office buildings is that they would be attractive to professionals who were living in the neighborhood so they could open an office close to home.

Commissioner Nelson Stone stated he did not think good planning practice was used when the PUD was put together where the small sliver of commercial was incorporated at the throat of a subdivision but; unfortunately, it was not within the Planning Commission's power to reverse it and wanted to make sure the residents understood this approval was for a variance only.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE VN-20-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Vice-Chairman Jo Cato voting NO.

VN-20-04 was APPROVED SUBJECT TO STAFF RECOMMENDATIONS.

28) VN-21-04 (16466) DEL NORTE PLAZA (Public Hearing)

An application submitted by Great American Capital on behalf of Vestin Mortgage, Inc., property owner, for a variance in a PUD Planned Unit Development District to allow a front setback of 16' 10" where 20 feet is required and to allow a reduction of the side setback from 5 feet to 0 (zero) for the proposed parking lot. The property is generally located at the southeast corner of Rancho Del Norte Drive and of Camino Al Norte. The Assessor's Parcel Number is 124-34-330-008.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VN-21-04 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. That the landscaping provided in the reduced setback areas shall be designed and installed to provide 75% ground coverage within two years of planting.
3. All applicable conditions of ZN-32-04 and FDP-04-00 shall be met.

Marc LeMoine, 9081 West Sahara Avenue, Las Vegas, NV 89117 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Michael Mas, 616 Rio Del Sol Drive, North Las Vegas, NV 89031 stated he felt public safety should be considered on this item and was opposed to the variance.
- Amy Draper, 4919 Via Luis Court, North Las Vegas, NV 89031 stated she was opposed to this item due to safety concerns and increased traffic.

Chairman Aston closed the Public Hearing.

Marc LeMoine stated the concerns expressed by the residents were existing conditions and his project would not affect the traffic to the apartments or the people using Lone Mountain Road. A Good portion of Rancho del Norte is already fronted by commercial uses, this project extends that a little further. The reduced setbacks will not affect the site lines for the cars using the parking lots for the individual offices. The intention of the small office buildings is that they would be attractive to professionals who were living in the neighborhood so they could open an office close to home.

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to APPROVE ZN-21-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Vice-Chairman Jo Cato voting NO.

ZN-21-04 was APPROVED SUBJECT TO STAFF RECOMMENDATIONS.

29) VN-22-04 (16467) DEL NORTE PLAZA (Public Hearing)

An application submitted by Great American Capital on behalf of Vestin Mortgage, Inc., property owner, for a variance in a PUD Planned Unit Development District to allow a front setback of 17' 1" where 20 feet is required. The property is generally located west of Rancho Del Norte Drive and approximately 420 feet southeast of Camino Al Norte. The Assessor's Parcel Number is 124-34-330-004.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VN-22-04 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. That the landscaping provided in the reduced setback areas shall be designed and installed to provide 75% ground coverage within two years of planting.
3. All applicable conditions of ZN-32-04 and FDP-04-00 shall be met.

Marc LeMoine, 9081 West Sahara Avenue, Las Vegas, NV 89117 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Michael Mas, 616 Rio Del Sol Drive, North Las Vegas, NV 89031 stated he felt public safety should be considered on this item and was opposed to the variance.
- Amy Draper, 4919 Via Luis Court, North Las Vegas, NV 89031 stated she was opposed to this item due to safety concerns and increased traffic.

Chairman Aston closed the Public Hearing.

Marc LeMoine stated the concerns expressed by the residents were existing conditions and his project would not affect the traffic to the apartments or the people using Lone Mountain Road. A Good portion of Rancho del Norte is already fronted by commercial uses, this project extends that use a little further. The reduced setbacks will not affect the site lines for the cars using the parking lots for the individual offices. The intention of the small office buildings is that they would be attractive to professionals who were living in the neighborhood so they could open an office close to home.

Commissioner Dean Leavitt MOVED and Commissioner Steve Brown SECONDED to APPROVE ZN-22-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Vice-Chairman Jo Cato voting NO.

ZN-22-04 was APPROVED SUBJECT TO STAFF RECOMMENDATIONS.

30) VN-23-04 (16468) DEL NORTE PLAZA (Public Hearing)

An application submitted by Great American Capital on behalf of Vestin Mortgage, Inc., property owner, for a variance in a PUD Planned Unit Development District to allow a front setback of 6' 8" where 20 feet is required. The property is generally located west of Rancho Del Norte Drive and approximately 705 feet southeast of Camino Al Norte. The Assessor's Parcel Number is 124-34-330-001.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VN-23-04 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. That the landscaping provided in the reduced setback areas shall be designed and installed to provide 75% ground coverage within two years of planting.
3. All applicable conditions of ZN-32-04 and FDP-04-00 shall be met.

Marc LeMoine, 9081 West Sahara Avenue, Las Vegas, NV 89117 appeared on behalf of the applicant and stated he concurred with Staff recommendations.

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

- Michael Mas, 616 Rio Del Sol Drive, North Las Vegas, NV 89031 stated in this application there is a dramatic change in the set-back from 20' to 6' and he felt that was getting very dangerous and there was an accident there it would be very serious. He was opposed to the variance.
- Amy Draper, 4919 Via Luis Court, North Las Vegas, NV 89031 stated she was opposed to this item due to safety concerns and increased traffic.

Chairman Aston closed the Public Hearing.

Marc LeMoine stated the concerns expressed by the residents were existing conditions and his project would not affect the traffic to the apartments or the people using Lone Mountain Road. A Good portion of Rancho del Norte is already fronted by commercial uses, this project extends that use a little further. The reduced setbacks will not affect the site lines for the cars using the parking lots for the individual offices. The intention of the small office buildings is that they would be attractive to professionals who were living in the neighborhood so they could open an office close to home.

Commissioner Harry Shull MOVED and Commissioner Steve Brown SECONDED to APPROVE ZN-23-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Vice-Chairman Jo Cato voting NO.

ZN-23-04 was APPROVED.

31) VAC-23-04 (16416) HAMMER & PECOS (Public Hearing)

An application submitted by North Pecos Real Estate Partners, LLC, property owner, to vacate a public utility easement and 30 feet of the southerly right-of-way of Hammer Lane between Pecos Road and Queen Street; to vacate a public utility easement and the Queen Street right-of-way between Hammer Lane and Fisher Avenue; and to vacate the northerly public utility easement of Fisher Avenue between Queen Street and Pecos Road and approximately 4 ½ feet of the northerly right-of-way of Fisher Avenue commencing at Queen Street and proceeding west approximately 400 feet. The Assessor's Parcel Numbers are 123-31-201-002 and 123-31-201-003.

It has been requested by the applicant that VAC-23-04 be continued to September 8, 2004.

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 Harry Shull MOVED and Vice chairman Jo Cato SECONDED to CONTINUE VAC-23-04 to September 8, 2004.

The motion carried by UNANIMOUS vote.

VAC-23-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

32) VAC-24-04 (16473) PICERNE AT ROME & VALLEY APTS (Public Hearing)

An application submitted by Picerne Development Corporation, on behalf of 215 Properties, LLC, property owner, to vacate Turkey Lane commencing approximately 248 feet west of Valley Drive and proceeding west approximately 238 feet; and to vacate an unnamed street approximately 486 feet west of Valley Drive between Turkey Lane and Centennial Parkway. The Assessor's Parcel Numbers are 124-19-401-005 and 124-19-401-008.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VAC-24-04 subject to Staff recommendations:

1. A traffic study that justified the vacation shall be submitted to the Transportation Services Division of the Public Works Department.
2. The vacation must record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.
3. The vacation must record concurrently with the dedication of the proposed Turkey Lane cul-de-sac.

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 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 VAC-24-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

VAC-24-04 was APPROVED.

33) VAC-25-04 (16469) COBBLESTONE MANOR VI (Public Hearing)

An application submitted by D. R. Horton on behalf of Washburn Property Investment, LLC, property owner, to vacate the northerly 10 feet of Lone Mountain Road commencing at Goldfield Street and proceeding east approximately 656 feet. The Assessor's Parcel Number is 124-34-804-001.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of VAC-25-04 subject to the following condition:

1. The vacation must record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

Airalea Newman with D.R. Horton, 6845 Escondido Street, Suite 105, Las Vegas, NV 89119 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 Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE VAC-25-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

VAC-25-04 was APPROVED.

34) VAC-26-04 (16470) COBBLESTONE MANOR VI (Public Hearing)

An application submitted by D. R. Horton on behalf of Goldfield 20 LLC, property owner, to vacate Eagle Way commencing at Verde Way and proceeding south approximately 300 feet. The Assessor's Parcel Number is 124-34-804-002.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of VAC-26-04 subject to the following condition:

1. The vacation must record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

Airalea Newman with D.R. Horton, 6825 Escondido Street, Suite 105, Las Vegas, NV 89119 appeared on behalf of the applicant and stated she concurred with Staff recommendations.

Commissioner Dean Leavitt MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE VAC-26-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

VAC-26-04 was APPROVED.

35) 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 approximately 540 feet south of Centennial Parkway. The Assessor's Parcel Number is 124-29-501-004.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of UN-04-04 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, the development shall comply with all applicable codes and ordinances with the following exception:
 - a. The building may be oriented to the rear of the site.
2. That the applicant shall submit a survey, stamped by a surveyor licensed in the State of Nevada, to the Development Services Department as proof of compliance with the 1,500-foot separation requirement prior to the application of a business license or building permit.
3. Fire access lane turning radii shall be designed and installed in accordance with the Fire Code.
4. That the restrooms be located such that patrons are not required to go through the bar area to access those facilities.
5. That windows be provided throughout the building, except where the kitchen and restrooms are proposed to be located, and the windows shall match the style of the approved retail center.
6. That the floor area of the bar shall not exceed 50% of the total public restaurant floor area.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. 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.
9. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan* or as otherwise approved by the Director of Public Works or his designee.
10. North Las Vegas Municipal Code 16.20.050 (G) states "Whenever a subdivision abuts upon an undedicated and/or unimproved street, the subdivider shall provide as part of the subdivision, the necessary improvements for the portion of the street contained within the subdivision boundaries". Therefore, half street improvements are required for Simmons Street and Centennial Parkway.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.

12. Dedication of additional right of way is required for continuation of the flared intersection at Simmons Street and Centennial Parkway per Uniform Standard Drawings for Public Works' construction Off-site Improvements Drawing Number 201.1.
13. Right of way dedication is required for a bus turnout along the Centennial Parkway frontage.
14. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along the project's Centennial Parkway and Simmons Street frontages.
15. The median openings shall be a minimum of 660 feet apart.
16. The property owner is required to grant a roadway easement for commercial driveway(s) prior to approval of the civil improvement plans.
17. A Merger and Resubdivision parcel map is required to be filed to create the parcel.
18. A multi-purpose room, to be used exclusively for dining, drinking or meeting activities, with no pool table, shall be included in the plan.
19. The street scape and plant palette along Simmons Street and Centennial Parkway shall match the Aliante development to the north.

George Garcia, 1711 Whitney Mesa, Suite 110, 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.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-04-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

UN-04-04 was APPROVED.

36) AMP-70-04 (16476) NORTH 5TH STREET AMENDMENT (Public Hearing)

An application submitted by the City of North Las Vegas for an amendment to the Master Plan of Streets and Highways to widen North Fifth Street to a 150 foot right-of-way between Las Vegas Boulevard North and the Northern Beltway.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of AMP-70-04.

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

- Ellen Gleeson, 504 Glendale Avenue, North Las Vegas, NV 89030 asked if the street were widened to 150', homes would be taken out.

Clete Kus of Public Works explained the purpose of AMP-70-04 was to provide a north/south connection, which would provide additional roadway capacity. The North 5th Corridor would provide three travel lanes in each direction and an additional dedicated lane for bus rapid transit or light rail.

Chairman Jay Aston asked Senior Deputy City Attorney Jim Lewis if the corridor was in established neighborhoods where there are existing homes that might be in the right-of-way, how that would be addressed. Senior Deputy City Attorney Jim Lewis responded the roadway could be designed differently to snake around some of the existing homes or properties or they could talk with the property owners about purchasing their land in order to allow building the right-of-way as needed but at this time they are talking about a Master Plan Amendment to give 150 feet along North 5th Street. If the amendment is approved by City Council, the customary practice of the City is when developers come in to develop along North 5th Street would be giving up the 50 feet on each side of the street plus an additional 25 feet for a total of 75 feet for the right-of-way. Chairman Aston explained if the Planning Commission approves AMP-70-04, it would then be heard by City Council for final approval.

Clete Kus stated they were seeking an amendment to the Master Plan of Streets and Highways but the primary purpose was to obtain dedication primarily along the undeveloped part of the North 5th corridor. As they proceed with the preliminary engineering they will take into consideration the impact the design would have, meaning trying to minimize the number of established residences that would be impacted but were not here tonight to discuss what actual alignment that roadway would take. That process would not take place for a year or more. Chairman Aston asked if there would also be input from the public on that process. Mr. Kus responded there would be input from the public.

Senior Deputy City Attorney Jim Lewis added that they were not talking about condemnation at this time. This is just a preliminary step in evaluating and obtaining the Rail/bus rapid transit corridor along North 5th Street.

- Dallas Moyer, 3432 North 5th Street, North Las Vegas, NV 89032 stated he relocated a business to North 5th Street approximately 2 ½ years ago and invested over \$4 Million in his facility and if the widening of North 5th Street were to take place on his side of the street it would wipe out his business and he was concerned.

Senior Deputy City Attorney Jim Lewis stated they would be going through a design process and are going to be looking at the existing buildings along North 5th Street and were not announcing that

there would be any condemnations this evening, there were no eminent domain actions planned. This is just the first step in planning for a 150' right-of-way that may be a future rail corridor.

- Dayton Blaine, 3540 North 5th Street, North Las Vegas, NV 89032 of Blaine Equipment Company stated he has about \$5 Million dollars in his business and stated he was against this item. He stated if he lost any part of his frontage, he would lose his parking lot.
- Jerushia McDonald, 1909 North 5th Street, North Las Vegas, NV 89030 was not available for comment.
- Brian Lee, 9960 West Cheyenne Avenue, North Las Vegas, NV 89129 with True West Realty stated he represented the owners and is also an owner of approximately 15 acres in the northwest corner of North 5th Street and Centennial Parkway. He stated they have currently designed a site plan with a grocery store as an anchor and have spoken to several different developers about a joint venture. His concern was if the 25' were taken from the site, it would have a severe impact. He also had concerns about the left turn lanes.

Senior Deputy City Attorney Jim Lewis again stated they were not talking about taking of property by the City or eminent domain. This is merely a discussion about whether the Master Plan of Streets and Highways needs to be increased to 150'.

- Floyd Meldrum, 2825 E. Hacienda Avenue, Las Vegas, NV 89120 stated he has approximately 140 acres involved in a project on North 5th Street and is against this amendment as it would adversely affect the projects he has completed and the projects he is currently working on. One project has 1200 feet of improvements along North 5th Street and about 90 days ago he received a letter from the City informing him if he did not improve North 5th Street, they would do it and back charge him for it, so he is in the processing making the improvements and now he finds out the City wants a 150' right-of-way. Along with that, he stated he has approximately \$30 to \$40 Thousand worth of architectural fees in building design on the parcel along North 5th Street and asked how his property would be affected.

Chairman Aston responded at this point there were no answers to those questions, because this is a preliminary step.

Senior Deputy City Attorney Jim Lewis added he would be happy to talk with them regarding this application. They could also call Public Works Traffic Division regarding the preliminary plans and the Regional Transportation Commission Study, share with them the preliminary study the City has received. It will be difficult to answer specific questions about specific parcels because this is the start of the process but they will do their best.

Clete Kus, Traffic Department stated it was the intention of Public Works, as there are some preliminary designs for the alignment of the roadway, to conduct public workshops and will notice all the affected property owners and seek their participation in that workshop.

- Joe Huggins, 2865 Jones Boulevard, Las Vegas, NV 89146 was not available for comment.
- Kathryn Grider, Orion Engineering, 7391 Prairie Falcon, Suite 150, Las Vegas, NV 89128 stated she was representing some clients who had current applications in this area and disagreed with the statements that this was preliminary and not going to affect anything because some of the comments on the applications are because of the projected 150' right-of-way increase. There is an existing school across from her client's site, so the additional

50' comes out of their property and they have frontage from Alexander Avenue to Craig Road and that is an extensive amount of property being taken from the current applications. She also mentioned even though it was stated it was not affecting property owners, it was affecting them now and if there was no design in place, and studies are not complete, maybe the application was a little premature.

Chairman Aston closed the Public Hearing.

Commissioner Nelson Stone stated when a private developer applies to amend the Master Plan, they are required to have all their studies and all their reports in order and reviewed by the Traffic Department before they can be acted on and he feels that might be some of the frustration by the members of the public. He stated he understands the concerns of the property owners and understands the direction the City has to take and supports it but at this point, the Corridor Study is being prepared by consultants through Regional Transportation Commission. It is important to understand how the public views this item. Commissioner Stone asked if a 75' dedication of half street would be asked for on every new application submitted from this time forward. Clete Kus of Traffic responded yes they would.

Senior Deputy City Attorney Jim Lewis added that would be after an approval of AMP-70-04 by the City Council. Commissioner Stone stated the City is already going to be requesting the dedication on all new applications.

Jim Bell, Public Works Director stated a presentation was made to City Council and the preliminary findings of the Corridor Study were in place. There is sufficient information to delineate the right-of-way width. They are still working on some of the other components to wrap up the Study. He stated Clete Kus was the representative for the project. Mr. Kus encouraged that action be taken now. There is a tremendous amount of activity along the North 5th Corridor and it is a convenience and the proper thing with the development is to address the issue now. He stated the Planning Director, along with himself are working with consultants to best look at the land uses along the Corridor and it is a very urgent issue because to best address the transportation system, the current land uses also need to be addressed. The details being worked on are things to facilitate the project more reasonably, whether interchanges should be built, designate right-of-way, or use other components. The consultant wants the right-of-way issue addressed so they can bring finality to the North 5th Corridor Study. He stated information was available showing why the width of the corridor is 150'.

Commissioner Nelson would like Staff to have some preliminary public meetings to explain what is going on. He stated he would be supporting this item.

Commissioner Dean Leavitt stated the City would make every effort to be totally equitable and the public would have ample notification of any proceedings. He stated he would be in support of this item.

Commissioner Steve Brown stated he agreed that an amendment to the Master Plan did not take property from anyone but it did allow for the process to begin. If a 100' right-of-way was increased to 150' and there are houses on both sides of the street, someone will have to give; so, there the vote is made with the understanding that they are making a change that will eventually effect property owners.

Senior Deputy City Attorney Jim Lewis stated because of the law regarding precondemnation damages and other things, a wholesale eminent domain action is not be announced at this meeting. There is a process to go through but the design of the project needs to be understood. Input is

needed from the public and that will be sought in the future.

Commissioner Steve Brown stated the Commission needed to understand, that even though eminent domain and condemnation is not being discussed at this meeting, this is the first step of the process. He asked the width of Martin Luther King Boulevard. Clete Kus responded it was 100'. Commissioner Brown stated he felt a north/south connectivity was needed but he did not feel this was the right area for it and could not support this item.

Commissioner Dilip Trivedi asked Jim Bell, Public Works Director why North 5th Street was the best location for the north/south corridor. Jim Bell, Public Works Director, responded there were very few continuous north/south roads through North Las Vegas. The only significant north/south roadway is Martin Luther King Boulevard, which turns into Camino El Norte. The studies show that even with the improvements in place, that corridor is maxed out. There is a tremendous amount of land in the City yet to be developed and everyone benefits by the ongoing development. All of the current major arterials in North Las Vegas are overloaded. The North 5th Street corridor is one that Staff feels has tremendous potential because development in the area was central to it. If there is not a good arterial system the public is forced to use other roadways, collector streets, and residential streets.

Commissioner Trivedi stated wherever the north/south corridor was located, there would be property owners opposed to the project. He agreed that the north/south corridor was necessary.

Vice-Chairman Jo Cato was concerned about the impact this corridor would have on the business and residences along North 5th Street. She had concerns about a light rail system going by a school. She agreed that a north/south corridor was needed but wasn't sure North 5th Street was the right area. She stated she was not in support of the amendment at this time.

Commissioner Steve Brown asked if there was any way a light rail system could be put in with less than a 150' right-of-way, or if it could go on a 100' right-of-way. Jim Bell, Public Works Director, responded in some areas the width may be reduced, primarily where there is grade separation. He stated they were looking to increase road capacity, an amenity corridor, rail, tie it to pedestrian and bicycle trails and to improve the community. They are also looking at safety of schools, accessibility and feel it goes hand in hand with land use planning. During the process there would be citizen input, recognition of the public present and work on reducing the impact.

Bob Hoyes, Planner, stated two letters were received, one in opposition from Mr. Blaine and another one from Las Vegas Paving Corporation, Mendenhall Legacy Ltd. Partnership, Apco Equipment and Apco Construction, Mr. Golden Welch.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE AMP-70-04 per Staff's recommendations.

The motion carried by MAJORITY vote with Commissioner Steve Brown and Vice-Chairman Jo Cato voting NO.

AMP-70-04 was APPROVED.

Item No 42 was heard next.

37) FDP-15-04 (16350) LAMB/TROPICAL

An application submitted by Richmond American Homes, property owner, for a Final Development Plan review in a PUD Planned Unit Development District, consisting of 231 single-family dwellings. The property is located at the southeast corner of Lamb Boulevard and Azure Avenue. The Assessor's Parcel Number is 123-29-201-001.

It has been requested by the applicant that FDP-15-04 be continued to September 22, 2004.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE FDP-15-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

FDP-15-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

38) SPR-37-04 (16348) LAMB BLVD BLOCK PLANT

An application submitted by Broadbent & Associates, Inc., on behalf of R04-01-265, LLC., property owner, for a site plan review in an M-2 General Industrial District consisting of outdoor storage in association with a concrete block plant. The property is located at 4925 North Lamb Boulevard. The Assessor's Parcel Number is 123-32-401-007.

It was requested by the applicant that SPR-37-04 be continued to September 8, 2004.

Commissioner Dilip Trivedi MOVED and Commissioner Steve Brown SECONDED to CONTINUE SPR-37-04 to September 8, 2004.

The motion carried by UNANIMOUS vote.

SPR-37-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

39) SPR-38-04 (16448) CRAIG PALMS PLAZA

An application submitted by Mesa Investment, LLC, on behalf of the Lied Foundation Trust, property owner, for a site plan review for a shopping center containing a total of 71,905 square feet in a C-2 General Commercial District. The property is located at the southwest corner of Revere Street and Craig Road. The Assessor's Parcel Number is 139-04-701-002.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he works for prepared the tentative map.

Commissioner Harry Shull stated he would be abstaining from the vote on this item as he was under contract to buy the back half of the property from the applicant.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated the applicant was requesting waivers from the Commercial Design Guidelines. The first waiver was for the building orientation to Craig Road. The Commercial Design Guidelines require pad developments be orientated to the street frontage. In this particular case the applicant actually has parking between the landscaping and is requesting the buildings not be required to be orientated to the street frontage. Mr. Jordan stated Staff was not supporting the waiver request because there was no justification to support it and it would be consistent with the developments that are already approved to the east and west. In regards to the second requirement, the applicant requested the landscaping next to Craig Road be reduced to approximately 15.5 feet. Staff was not supporting this request. If the buildings are required to be located next to Craig Road, the buildings would have to be set back from the property line 20 feet and the applicant would automatically have to comply with the 20 feet of landscaping. The applicant has also requested a reduction of the landscaping along Home Depot Drive. Staff has no objection to this request. As the application was being reviewed, Home Depot Drive, even though it is listed as a private street, serves more as a drive isle. The applicant is requesting approximately 15.5 feet of landscaping there. Since it serves more as a driveway, Staff has no objection to that waiver. The applicant has also requested a waiver of the landscaping next to Revere Street to approximately 15.5 feet. Again, when reviewing the site plan, the applicant shows parking stalls that are 19 feet in length. Staff has looked at that, and if the applicant were to reduce at least six rows of parking, to 18 feet in length, which is the minimum length, the applicant would be able to shift everything to the west and comply with the perimeter landscaping along Revere Street and would not disrupt or change the design; therefore, Staff is not supporting that waiver request. Staff has no objections to the site plan and is recommending approval of SPR-38-04 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That development comply with all requirements of the Commercial Design Guidelines with the following exceptions:
 - a. The landscaped setback along Home Depot Drive, a private street, may be reduced to 15 feet, 5 inches (5' 5") for that portion of the street frontage located north of the entrance driveway to the development.
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.
5. Approval of a traffic study 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 Craig Road and Revere Street.
7. Provide queuing/stacking for five vehicles at the Retail C building.
8. Provide an additional loading zone for Retail A near the center of the building.
9. Trash enclosures are to be constructed at 45 degree angles from the drive aisles.
10. Loading zones must be separated from the parking stalls by planters and be adjacent to the drive aisles.
11. Loading zones must be signed and marked.
12. 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*.
13. 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 street curb.
14. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. All Nevada Power Company easements and poles must be shown. The poles shall be fully located within the landscape area and if the relocation of any poles is required it will be at the expense of the developer.
17. 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 a minimum throat depth of 50 feet.
18. The property owner is required to grant a roadway easement for commercial driveway(s).
19. The property owner is required to sign a restrictive covenant for utilities.

20. Right-of-way dedication and construction of a CAT bus turn-out is required on Revere Street south of Craig Road. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the commercial property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.
21. The curb face of the drive aisle(s) shall align with the curb face of the end of curb radius of the commercial driveway(s).

Michael Bradshaw of Bradshaw and Associates, 3753 Howard Hughes Parkway, Las Vegas, NV 89109 appeared on behalf of the applicant and stated he appreciated Staff supporting the reduction of the landscaping along Home Depot Drive to 15.5 feet. He stated he was concerned with the bus turnout lane. The changes were made and the set-backs they thought would work, were made. At this time, if Staff was in agreement, they would like to be able to set the building back as proposed, reducing three stalls by one foot and they would be able to appease the Planning Commission and meet the set-backs along Revere Street. Mr. Bradshaw asked Mr. Jordan if there was a concern on the southern portion of Revere Street. Mr. Jordan responded everything on the southern portion complied, the only difference was, the sidewalk would need to be detached from the back of curb and would need to be meandering since it was an 80 foot street. Mr. Bradshaw stated, he would extend the set-back along the northern portion of the right-of-way along Revere Street to Craig Road. Mr. Jordan, interjected, that was assuming they were complying with the landscaping and set-back requirements and not indicating that anything was to be waived in that area. Mr. Bradshaw stated when the application was originally submitted in July, 2004, they had maintained the reduction along Craig Road. What they offered would be a screen wall or a variation thereof of a berm and, just so the Planning Commission understands, the Staff Report that was written and received by Mr. Bradshaw under Waiver Request No. 2, referring to the 15.6 foot set-back reads as follows: Nevertheless, with the provision of these items as well as a considerable landscape set-back of 15.6 feet, the proposed street frontage along Craig Road would be in substantial compliance with the design guidelines and, therefore, Staff has no objection to this waiver. Again, that falls back to Waiver No. 1 and that is of the most concern to this developer and to this development. He stated they believed this development necessitates over parking, which is close to 26 or 27 percent. He felt more parking was needed, that they would maximize the parking. He stated when Outback Steakhouse first came in, he didn't know if they had a reduction from their parking standards, but if it did go in with what was required by the City, they are under parked. If you drive by on Friday or Saturday night, there is no parking. He stated this development with three family style restaurants with one future family style restaurant that they would maximize the parking. Two of the franchises, China Star and Sizzler will not allow parking around their building. When the site plan was brought forward, there was a set-back of 18 feet along the rear. It was suggested that the parking be removed along the front of the retail center. The developer chose to not sell a portion of the real estate and took a considerable loss on the property to keep the front parking along the retail center. He stated if he was able to get Staff's support, he would be willing to reduce the parking stalls to 18 feet and would reduce the drive isles if necessary.

Chairman Jay Aston asked Mr. Bradshaw which condition he was referring to. Mr. Bradshaw stated he was referring to Waiver Nos. 1 and 2. Waiver No. 2 was a reduction in landscape along Craig Road to 15.6 feet. He stated what he read into the record from the original Staff Report was regarding Waiver Request No. 2 and Waiver No. 1 had to do with the set-back of the buildings along Craig Road.

Vice Chairman Jo Cato asked Mr. Jordan if there was enough parking. Mr. Jordan responded that the project was over parked by 96 spaces. Mr. Jordan stated Outback Steakhouse was not under

parked. They had complied with the parking requirements and the Commercial Design Standards.

Mr. Bradshaw stated he used Outback Steak House as an example to show why they were requesting the waiver to get more parking. Chairman Jay Aston asked Mr. Bradshaw if in order for them to get the full landscape buffer they would have to reduce parking and what type of landscape buffer was on the south side and if there were residents to the south of the property. Mr. Bradshaw responded there were residents bordering the southern edge of the property and there was 30 feet along the rear of the property.

Commissioner Steve Brown asked Staff if the parking stalls could be reduced from 19' to 18' in length and had room along Revere Street to make an adjustment. Mr. Jordan responded that was correct. The parking stalls are currently 19' and the zoning ordinance requires them to be a minimum of 18'; so, by taking some of the parking stalls and adjusting them by a foot, the additional area can be made up along Revere Street, so the applicant could comply with the landscaping requirements along that street with minor changes to the plan. According to Staff, then there would be two waivers; the applicant would need the 15.5 feet of landscaping along Craig Road and the building orientation along Craig Road. He also stated, staff was not supporting those two waivers. Mr. Jordan stated when the property was originally submitted for rezoning, one of the things Staff had a concern about, was taking a larger parcel and splitting it down the middle and making it more difficult to develop. As a result, when the applicant started designing the project, they had to shift the property line an additional 20 feet to the south to be able to accommodate the required setbacks for the buildings next to the rear property line on the south. Staff recommended the Commercial Design Guidelines be upheld to be consistent with other commercial developments in the area. Commissioner Brown asked if there was enough space to alter the plan to get enough space on Craig Road to make 20 feet by shortening parking spaces. Mr. Jordan responded, without reviewing the plan closely, if all the parking stalls are 19 feet, and they were reduced to 18 feet, that would be approximately five feet that would be gained and that five feet could be pushed out to Craig Road. Commissioner Brown asked the applicant if he was willing to adjust the parking as long as no spaces were lost. Mr. Bradshaw stated he felt the developer would be willing to adjust the size of the parking spaces.

Commissioner Dean Leavitt stated he was agreeable to leave the buildings oriented as proposed by the applicant but would like to see the site plan revised to come up with additional space for landscaping. He stated he was concerned about the reduction of parking on this project.

Vice-Chairman Jo Cato stated she agreed with Commissioner Leavitt's comments and was not in favor of waiving any landscaping requirements.

Chairman Aston asked Staff if a continuance would be necessary so there would be an actual site plan available for review. Mr. Jordan responded that would be at the Commission's discretion; but, according to the Staff report, the applicant is proposing 71,000 square feet of space. The 71,000 square feet does not fall into a major site plan review category. Under normal circumstances, if they were complying with all of the requirements, this would be something that could be reviewed administratively. The main focus was on the waivers; so, if it was the desire of the Commission to approve this item and allow the building orientation as shown on the plan, there would be an additional condition, Condition No. 2b, recommended as follows:

2b. Building orientation to the Craig Road street frontage is not required.

Mr. Bradshaw stated he would be receptive to send the project back to the architect for revision and have a requirement allowing the 20 feet along Craig Road and Revere Street and to allow the reduction on Home Depot Drive to 15.5 feet as recommended by Staff.

Commissioner Dean Leavitt MOVED and Vice-Chairman Jo Cato SECONDED to APPROVE SPR-38-04 per Staff's recommendations with the deletion of the requirement for orienting the buildings to the street, with the addition of Condition No. 2b as follows:

2b. Building orientation to the Craig Road street frontage is not required.

The motion carried by MAJORITY vote with Commissioners Nelson Stone and Harry Shull Abstaining.

SPR-38-04 was APPROVED.

40) T-1126 (16461) CRAIG PALMS PLAZA (REVERE MARKETPLACE)

An application submitted by Mesa Investment, Inc. on behalf of the Lied Foundation Trust, property owner, for approval of a single-lot commercial tentative map in a C-2 General Commercial District. The property is located at the southwest corner of Revere Street and Craig Road. The Assessor's Parcel Number is 139-04-701-002.

Commissioner Nelson Stone stated he would be abstaining from the vote on this item as the company he works for prepared the tentative map.

Commissioner Harry Shull stated he would be abstaining from the vote on this item as he was under contract to buy the back half of the property from the applicant.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who stated Staff was recommending approval of T-1126 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 development of this site shall comply with all conditions of approval for SPR-38-04.
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.
5. Approval of a traffic study 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 Craig Road and Revere Street.
7. 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*.
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 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. All Nevada Power Company easements and poles must be shown. The poles shall be fully located within the landscape area and if the relocation of any poles is required it will be at the expense of the developer.
12. 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.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. Right-of-way dedication and construction of a CAT bus turn-out is required on Revere Street south of Craig Road. It is suggested that the applicant provide the bus stop placement within the exclusive right turn lane for the commercial property per *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.3.
16. Right-of-way dedication for a flared intersection is required at Craig Road and Revere Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1.
17. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.

Stuart Powell of the WLB Group, 2551 North Green Valley Parkway, Suite A425, Henderson, NV 89014 stated he concurred with Staff recommendations.

Commissioner Dean Leavitt MOVED and Vice Chairman Jo Cato SECONDED to APPROVE T-1126 per Staff's recommendations.

The motion carried by MAJORITY vote with Commissioners Nelson Stone and Harry Shull Abstaining.

T-1126 was APPROVED.

Item No. 23 was heard next

There was a break in proceedings at 8:55 p.m.

The meeting reconvened at 9:10 p.m.

41) SPR-39-04 (16474) CENTENNIAL 5 RETAIL PLAZA

An application submitted by Lochsa Engineering, on behalf of Centennial 5 Development, LLC, property owner, for a site plan review in a C-2 General Commercial District consisting of a 29,981 square-foot commercial center. The property is located at the northeast corner of Goldfield Street and Centennial Parkway. The Assessor's Parcel Number is 124-22-801-013.

It was requested by the applicant that SPR-39-04 be continued to September 22, 2004.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE SPR-39-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

SPR-39-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

42) SPR-40-04 (16450) ASTORIA @ ALIANTE PARCEL 17

An application submitted by Astoria Homes , property owner, for a site plan review in an R-1 MPC Single-Family Residential/Master Planned Community District to allow garages with interior dimensions less than 20 feet by 20 feet. The property is located at the southeast corner of Aviary Way and Elkhorn Road. The Assessor's Parcel Numbers are 124-19-511-001 thru 124-19-511-164.

Marc Jordan, Planning Manager, indicated the applicant was requesting continuance of SPR-40-04.

Bob Gronauer of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 requested that SPR-40-04 be continued to September 8, 2004.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE SPR-40-04 to September 8, 2004.

The motion carried by UNANIMOUS vote.

SPR-40-04 was CONTINUED TO SEPTEMBER 8, 2004.

43) T-996 (16425) COMMERCE/VERDE

An application submitted by Centex Homes, property owner, to amend a condition of a previously approved tentative map in an R-1 Single-Family Residential District to allow vinyl fencing. The property is generally located at the northeast corner of La Madre Way and Commerce Street. The Assessor's Parcel Numbers are 124-34-710-001 thru 124-34-710-093.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of the deletion of Condition No. 8 for T-996.

Kathryn Grider, 7391 Prairie Falcon, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated she concurred with Staff recommendations.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE T-996.

The motion carried by UNANIMOUS vote.

T-995 was APPROVED.

44) T-1005 (16437) JAYCOX

An application submitted by Centex Homes, property owner, to amend a condition of a previously approved tentative map in an R-1 Single-Family Residential District to allow vinyl fencing. The property is generally located at the northeast corner of Donna Street and El Campo Grande Avenue. The Assessor's Parcel Numbers are 124-26-311-001 thru 124-26-311-048.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of the deletion of Condition No. 7 for T-1005.

Kathryn Grider, 7391 Prairie Falcon, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated she concurred with Staff recommendations.

Commissioner Dean Leavitt MOVED and Commissioner Nelson Stone SECONDED to APPROVE T-1005 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

T-1005 was APPROVED.

45) T-1013 (16415) ROSE LAKE

An application submitted by Centex Homes, property owner, to amend a condition of a previously approved tentative map in an R-1 Single-Family Residential District to allow vinyl fencing. The property is located at the southeast corner of Statz Street and Tropical Parkway. The Assessor's Parcel Numbers are 124-25-701-001, 124-25-701-002, 124-25-701-003, 124-25-701-004, 124-25-701-005, 124-25-701-006, 124-25-301-004, 124-25-301-005, 124-25-301-006, 124-25-401-001, 124-25-401-002, 124-25-801-001, 124-25-801-002, 124-25-801-003 and 124-25-801-004.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of the deletion of Condition No. 8 for T-1013.

Kathryn Grider, 7391 Prairie Falcon, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated she concurred with Staff recommendations.

Commissioner Dean Leavitt MOVED and Commissioner Dilip Trivedi SECONDED to APPROVE T-1013 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

T-1013 was APPROVED.

Item No. 57 was heard next.

OLD BUSINESS**46) AMP-64-04 (16028) CRAIG & S. E. 5TH (PUBLIC HEARING)**

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Light Industrial to Neighborhood Commercial. The property is generally located at the southeast corner of North Fifth Street and Craig Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that AMP-64-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-64-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

AMP-64-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

47) ZN-79-04 (16019) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for reclassification of property from an M-2 General Industrial District to a C-1 Neighborhood Commercial District. The property is generally located at the southeast corner of North Fifth Street and Craig Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that ZN-79-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-79-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

ZN-79-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

48) AMP-62-04 (16030) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of Mendenhall Legacy, LP, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Industrial and Light Industrial to MLDR Medium-Low Density Residential. The property is generally located east of North Fifth Street and approximately 650 feet south of Craig Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that AMP-62-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-62-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

AMP-62-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

49) ZN-81-04 (16025) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of Mendenhall Legacy, LP, property owner, for reclassification of property from an M-2 General Industrial District to a PUD Planned Unit Development District consisting of 466 single-family dwellings. The property is generally located east of North Fifth Street and approximately 650 feet south of Craig Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that ZN-81-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-81-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

ZN-81-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

50) T-1123 (16008) CRAIG & S. E. 5TH

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for approval of a tentative map in an M-2 General Industrial District (proposed PUD Planned Unit Development District) consisting of 466 single-family dwellings. The property is generally located at the northeast corner of North Fifth Street and Alexander Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that T-1123 be continued to September 22, 2004.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE T-1123 to September 22, 2004.

The motion carried by UNANIMOUS vote.

T-1123 WAS CONTINUED TO SEPTEMBER 22, 2004.

51) AMP-61-04 (16031) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of Mendenhall Legacy, LP, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Industrial to HDR High Density Residential. The property is generally located west of Arcata Way and approximately 212 feet north of Alexander Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that AMP-61-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-61-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

AMP-61-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

52) AMP-65-04 (16027) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Industrial to Light Industrial. The property is generally located at the northwest corner of Arcata Way and Alexander Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that AMP-65-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-65-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

AMP-65-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

53) ZN-78-04 (16018) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for reclassification of property from an M-2 General Industrial District to an M-1 Business Park Industrial District. The property is generally located at the northwest corner of Arcata Way and Alexander Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that ZN-78-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-78-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

ZN-78-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

54) AMP-63-04 (16029) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Industrial and Light Industrial to MHDR Medium-High Density Residential. The property is generally located at the northeast corner of North Fifth Street and Alexander Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that AMP-63-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-63-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

AMP-63-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

55) ZN-80-04 (16020) CRAIG & S. E. 5TH (PUBLIC HEARING)

An application submitted by Robert Mendenhall and Susan Krygiell on behalf of the Mendenhall Legacy, LP, property owner, for reclassification of property from an M-2 General Industrial District to an R-3 Multifamily Residential District. The property is generally located at the northeast corner of North Fifth Street and Alexander Road. The Assessor's Parcel Number is 139-02-401-003.

The applicant has requested that ZN-80-04 be continued to September 22, 2004.

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

- Richard Warpack, 4105 W. 182nd Street, Torrance, CA 90504 stated he owned property at 4080 Arcata Way. He was opposed to putting high density residential next to Industrial.
- Deborah Lewis, 4010 Hemphill Street, North Las Vegas, NV 89032 declined to comment at this time but noted this was the second request for continuance.
- Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, NV 89032 declined to comment at this time.
- Eddie Schmitz, 27 Pinnacle Hill Court, North Las Vegas, NV 89032 declined to comment at this time and also commented on this being the second request for continuance.

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

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-80-04 to September 22, 2004.

The motion carried by UNANIMOUS vote.

ZN-80-04 WAS CONTINUED TO SEPTEMBER 22, 2004.

56) FDP-13-04 LAUREL CANYON

An application submitted by Richmond American Homes, property owner, for a Final Development Plan review in a PUD Planned Unit Development District, consisting of 422 single-family dwellings. The property is located at the northeast corner of Pecos Road and Washburn Road. The Assessor's Parcel Numbers are 123-31-501-001, 123-31-203-001, 123-31-203-002, 123-31-203-003, 123-31-203-004, 123-31-204-001, 123-31-204-002, 123-31-204-004 and 123-31-202-001.

It was requested by the applicant that FDP-13-04 be continued to September 8, 2004.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE FDP-13-04 to September 8, 2004.

The motion carried by UNANIMOUS vote.

FDP-13-04 WAS CONTINUED TO SEPTEMBER 8, 2004.

57) SPR-31-04 (16002) HARBOUR CENTER

An application submitted by Harbour Investments, property owner, for a site plan review in a C-1 Neighborhood Commercial District to allow a 64 square foot monument sign. The property is located at the northeast corner of Camino Al Norte and Lone Mountain Road. The Assessor's Parcel Number is 124-33-803-001.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated this item was continued from the July 28, 2004 meeting. Mr. Jordan indicated Staff was recommending approval of SPR-31-04 subject to the following conditions:

1. That the proposed monument sign shall not exceed 8' X 8' (64 square feet).
2. That the proposed monument sign shall only be allowed to be located within one (1) of the two (2) landscape fingers along Camino Al Norte and not within any portion of the public right-of-way.
3. That unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

Bob Gronauer of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant. He stated they were asking to place a monument sign, which would be located in the right-of-way. Camino-Al Norte is to be developed as a 135' wide street. The problem is when traffic is flowing along Camino Al Norte, the signage is very hard to advertise for the existing businesses. The signage cannot be on the current convenience store property so one of the options was to use a monument sign. He understood the concerns of the right-of-way; however, if the sign were to be placed in a landscape finger at the entryway, the sign would not be visible. He was asking for a condition to approve a sign within the right-of-way subject to either Public Works approval or at least have the ability to place the sign there, because it was a liability issue, they have already checked with the insurance carrier and they have no problem insuring a sign in that location.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE SPR-31-04 with Condition No. 2 changed to read as follows:

- Condition No. 2. That the proposed monument sign shall only be allowed to be located within one (1) of the two (2) landscape fingers along Camino Al Norte and not within any portion of the public right-of-way or as approved by the Director of Public Works with all appropriate encroachment agreements indemnification of the City.

The motion carried by UNANIMOUS vote.

SPR-31-04 was APPROVED.

58) 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.

The application was presented by Marc Jordan on behalf of Staff who indicated this item was continued from the August 11, 2004 meeting. He indicated Staff was recommending approval of UN-03-04 subject to the following conditions:

1. Previously approved conditions of UN-03-04 shall apply.
2. That UN-03-04 shall expire on February 11, 2005.

Bob Gronauer of Kummer, Kaempfer, Bonner and Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 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.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-03-04 per Staff’s recommendations.

The motion carried by UNANIMOUS vote.

UN-03-04 was APPROVED.

59) 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.

The application was presented by Marc Jordan Planning Manager on behalf of Staff who indicated this item had been continued from the August 11, 2004 meeting and Staff was recommending approval of VN-09-04 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.

Tim Ayala, 4600 Sunset Road, 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.

Commissioner Nelson Stone MOVED and Commissioner Dean Leavitt SECONDED to APPROVE VN-09-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

VN-09-04 was APPROVED.

60) 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.

The application was presented by Marc Jordan on behalf of Staff who indicated Staff was recommending approval of UN-30-04 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 applicant must comply with all setback requirements unless VN-09-04 is approved.
3. A revocable encroachment permit for the landscaping in the public right-of-way is required to be obtained prior to civil improvement plan approval.
4. The RV currently utilized on the property must be removed.

Tim Ayala, 4600 Sunset Road, 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.

Commissioner Nelson Stone MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-30-04 per Staff's recommendations.

The motion carried by UNANIMOUS vote.

UN-30-04 was APPROVED.

61) 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.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated this item was continued from the August 11, 2004 meeting. He indicated Staff was recommending approval of T-1125 subject to the following conditions:

1. That the development of this site be in compliance with Ordinance No. 1680 (ZN-53-02) and FDP-14-04; and
2. Construction of a flared intersection is required at Centennial Parkway and Statz Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1.
3. Construction of a CAT bus turn-out is required on Statz Street near Centennial Parkway per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
4. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
5. A queuing analysis is required as part of the traffic study update if access controls are proposed to be employed.
6. 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 street curb.
7. The property owner is required to grant roadway easements where public and private streets intersect.
8. The property owner is required to grant a pedestrian access easement for sidewalk within any common element.
9. A revocable encroachment permit for landscaping within the public right of way is required.
10. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.

11. All Nevada Power Company easements and poles must be shown. The poles shall be fully located within the landscape area and if the relocation of any poles is required it will be at the expense of the developer.
12. Approval of a drainage study is required prior to submittal of the civil improvement plans.
13. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
14. Remove the street section thickness from the typical sections. The pavement sections will be determined by the Department of Public Works.
15. That the following minimum amenities be provided, subject to review and approval by the Department of Parks & Recreation:
 - A. circuitous lighted paths
 - B. a minimum of 20 24-inch box trees per acre
 - C. at least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
 - D. at least one large open space area for group / organized play
 - E. picnic tables and barbecue grills
 - F. benches spaced along park pathways
 - G. club house w/cyber café
 - H. pool and spa
 - I. large shade area (in place of 30' gazebo)
 - J. ADA accessibility
 - K. details of amenities to be provided

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 it was his understanding that Condition No. 6 was requiring meandering sidewalks along the Statz intersection. The infrastructure along that street is in already in place and he was asking that Condition No. 6 be changed. They do not want to take out an existing sidewalk. Regarding Condition No. 2, Nevada Power will not allow the power lines to be moved and would like some leeway on that condition.

Commissioner Nelson Stone MOVED and Commissioner Harry Shull SECONDED to APPROVE T-1125 per Staff's recommendations with Condition No. 2 and Condition No. 6 changed to read as follows:

- | | |
|------------------|---|
| Condition No. 2. | Construction of a flared intersection is required at Centennial Parkway and Statz Street per the <i>Uniform Standard Drawings for Public Works' Construction Off-site Improvements</i> Drawing Number 201.1 or as approved by the Director of Public Works. |
| Condition No. 6. | The plans shall comply with <i>City of North Las Vegas</i> |

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" unless existing sidewalk exists and with the approval of the Planning and Zoning Department, it may be deleted. 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 street curb.

The motion carried by UNANIMOUS vote.

T-1125 was APPROVED.

PUBLIC FORUM:

No members of the public came forward.

DIRECTOR'S BUSINESS:

None

CHAIRMAN'S BUSINESS:

None

Chairman Nelson Stone asked when the Parks and Recreation Master Plan would be ready.

ADJOURNMENT:

The meeting adjourned at 11:25 p.m.

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

Jay Aston, Chairman

ATTEST:

Jo Ann Lawrence, Recording Secretary