

**MINUTES
CITY OF NORTH LAS VEGAS
PLANNING COMMISSION**

January 12, 2005

Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)

BRIEFING: 6:30 pm., Conference Room, North Las Vegas City Hall,
2200 Civic Center Drive

CALL TO ORDER: 7:00 pm., Council Chambers, North Las Vegas City Hall,
2200 Civic Center Drive

ROLL CALL: Chairman Jay Aston - Present
Vice-Chairman Jo Cato - Present
Commissioner Dean Leavitt - Present
Commissioner Harry Shull - Present
Commissioner Steve Brown - Present
Commissioner Dilip Trivedi - Present
Commissioner Angelo Carvalho - Present

STAFF PRESENT: Jory Stewart, Planning and Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bob Hoyes, Planner
James Lewis, Sr. Deputy City Attorney
Lenny Badger, Development & Flood Control
Kevin Futch, Transportation
James Aldrich, Fire Department
Tony Taylor, Parks Planner

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Vice-Chairman Jo Cato

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 27, 2004.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 10, 2004.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF DECEMBER 8, 2004.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

CONSENT AGENDA

- A. PW-01-05 (18831) SHADOW SPRINGS OFFSITE SEWER: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY ST. PAUL FIRE AND MARINE INSURANCE COMPANY TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$118,437.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

- B. PW-02-05 (18832) SHADOW SPRINGS OFFSITE SEWER, UNIT 1: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY LUMBERMENS MUTUAL CASUALTY COMPANY TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$57,601.50.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

- C. PW-03-05 (18833) SHADOW SPRINGS OFFSITE WATERLINE: ACCEPT THE OFF-SITE IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF PUBLIC WORKS TO NOTIFY LUMBERMENS MUTUAL CASUALTY COMPANY TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$121,220.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

D. PW-04-05 (18834) LA BONITA II: ACCEPT THE COMMERCIAL DEVELOPMENT OFF-SITE IMPROVEMENTS AGREEMENT BY JAIME AND SYLVIA MARTINEZ AND ACCEPT THE CASH-IN-LIEU OF BOND IN THE AMOUNT OF \$78,439.45.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

E. PW-05-05 (18835) CLAYTON/DEER SPRINGS IMPROVEMENT PLANS: ACCEPT THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY PARDEE HOMES OF NEVADA AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$422,504.73.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

F. PW-06-05 (18836) ROSEMONT ESTATES: APPROVE THE SUBDIVISION OFF-SITE IMPROVEMENTS AGREEMENT BY CARNEGIE HEIGHTS, LLC AND ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$974,174.91.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: None

G. PW-07-05 (18837) CORTONA, PHASE 1: APPROVE THE SUBDIVISION OFF-

**SITE IMPROVEMENTS AGREEMENT BY KB HOME NEVADA, INC. AND
ACCEPT THE PERFORMANCE BOND IN THE AMOUNT OF \$882,964.39.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi and Carvalho

NAYS: None

ABSTAIN: None

**H. PW-08-05 (18838) 7-11 CHEYENNE & SIMMONS: ACCEPT THE OFF-SITE
IMPROVEMENTS FOR MAINTENANCE AND ADVISE THE DIRECTOR OF
PUBLIC WORKS TO NOTIFY NATIONAL AMERICAN INSURANCE COMPANY
TO RELEASE THE ENCROACHMENT BOND IN THE AMOUNT OF \$27,079.20.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi and Carvalho

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **AMP-109-04 (18202) CELEBRATE @ PROVANCE EAST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CLIFFORD J. AND DONNA S. FINDLAY, CELEBRATE PROPERTIES, LLC, THOMAS AND KUMIKO WINTER, AND DALE L. AND FRANCES E. REESE, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO MDR MEDIUM DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED EAST OF SIMMONS STREET AND SOUTH OF THE GOWAN DRAINAGE CHANNEL. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-601-002, 139-05-601-003, 139-05-601-004, 139-05-601-006, 139-05-601-007, 139-05-601-008, 139-05-601-009, 139-05-601-010, 139-05-601-014, 139-05-601-029, 139-05-601-031, AND 139-05-601-033.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company has an interest in the project.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of AMP-109-04.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant along with **George Garcia, G.C. Garcia, 1711 Whitney Mesa Avenue, Suite 110, Henderson, NV 89014**. Mr. Gronauer stated he concurred with Staff recommendation.

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

Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031 stated he was opposed to this application.

Michael Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031 stated he was opposed to this application.

Charla Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031 stated she was opposed to the higher density.

Mike Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89031 stated he was opposed to this application and felt the project did not fit in with the rest of the community. Mr. Dodge heard that Items 7, 8, and 9 were going to be forwarded to City Council with no recommendation and would also like Items 1, 2, and 3 forwarded with no recommendation so City Council can hear all items together.

Chairman Aston closed the Public Hearing.

Bob Gronauer stated they had a neighborhood meeting with residents in the area. He stated they reviewed the proposed plans and although they were asking for medium density, up to 10 units per acre, they were proposing less than 10 units per acre and believe the use is appropriate.

Vice-Chairman Jo Cato asked the applicant if this was a for sale or rental product. Mr. Garcia responded it was a gated community, for sale product and would have the look of large homes.

Chairman Aston stated the Board looks for layers of development and felt the proposed development was appropriate for the area.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

2. **AMP-110-04 (18206) CELEBRATE @ PROVANCE EAST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CLIFFORD J. AND DONNA S. FINDLAY, LAACO, LTD., THOMAS AND KUMIKO WINTER, AND DALE L. AND FRANCES E. REESE, PROPERTY OWNERS, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS, TO DELETE FUSELIER DRIVE BETWEEN THE GOWAN OUTFALL CHANNEL AND CRAIG ROAD, AND TO DELETE WHITNEY PEAK WAY COMMENCING AT FUSELIER DRIVE AND PROCEEDING EAST APPROXIMATELY 675 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-601-002, 139-05-601-003, 139-05-601-004, 139-05-601-007, 139-05-601-009, 139-05-601-014, 139-05-601-029, 139-05-601-031, AND 139-05-601-036.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company has an interest in the project.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of AMP-110-04.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant along with **George Garcia, G.C. Garcia, 1711 Whitney Mesa Avenue, Suite 110, Henderson, NV 89014.** Mr. Gronauer stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following comments were carried forward from Item No. 1:

Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031 stated he was opposed to this application.

Michael Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031 stated he was opposed to this application.

Charla Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031 stated she was opposed to the higher density.

Mike Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89031 stated he was opposed to this application and felt the project did not fit in with the rest of the community. Mr. Dodge heard that Items 7, 8, and 9 were going to be forwarded to City Council with no recommendation and would also like Items 1, 2, and 3 forwarded with no recommendation so City Council can hear all items together.

Chairman Aston closed the Public Hearing.

Bob Gronauer stated they had a neighborhood meeting with residents in the area. He stated they reviewed the proposed plans and although they were asking for medium density, up to 10 units per acre, they were proposing less than 10 units per acre and believe the use is appropriate.

Vice-Chairman Jo Cato asked the applicant if this was a for sale or rental product. Mr. Garcia responded this was a gated community, for sale product and would have the look of large homes.

Chairman Aston stated the Board looks for layers of development and felt the proposed development was appropriate for the area.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

3. **VAC-42-04 (18209) CELEBRATE @ PROVANCE EAST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CLIFFORD J. AND DONNA S. FINDLAY, LAACO, LTD., THOMAS AND KUMIKO WINTER, AND DALE L. AND FRANCES E. REESE, PROPERTY OWNERS, TO VACATE FUSELIER DRIVE BETWEEN THE GOWAN OUTFALL CHANNEL AND CRAIG ROAD, AND TO VACATE WHITNEY PEAK WAY COMMENCING AT FUSELIER DRIVE AND PROCEEDING EAST APPROXIMATELY 675 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-601-002, 139-05-601-003, 139-05-601-004, 139-05-601-007, 139-05-601-009, 139-05-601-014, 139-05-601-029, 139-05-601-031, AND 139-05-601-036.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company has an interest in the project.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending approval of VAC-42-04 subject to the following conditions:

1. Whitney Peak Way shall be vacated to the property owner to the north, APN 139-05-601-004.
2. Prior to recordation of this vacation, a notarized letter from the owner of APN 139-05-601-036, stating that all conditions of the agreement between the seller and the buyer have been completed and that the seller has no objection to the order of vacation being recorded vacating the property to the owner of APN 139-05-601-004.
3. 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.
4. All existing street improvements along the vacated portion of Whitney Peak Way shall be removed, and the vacated right-of-way shall be fully integrated in conjunction with any future development of APN 139-05-601-004.

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant along with **George Garcia, G.C. Garcia, 1711 Whitney Mesa Avenue, Suite 110, Henderson, NV 89014**. Mr. Gronauer stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following comments were carried forward from Item No. 1:

Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031 stated he was opposed to this application.

Michael Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031 stated he was opposed to this application.

Charla Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031 stated she was opposed to the higher density.

Mike Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89031 stated he was opposed to this application and felt the project did not fit in with the rest of the community. Mr. Dodge heard that Items 7, 8, and 9 were going to be forwarded to City Council with no recommendation and would also like Items 1, 2, and 3 forwarded with no recommendation so City Council can hear all items together.

Chairman Aston closed the Public Hearing.

Bob Gronauer stated they had a neighborhood meeting with residents in the area. He stated they reviewed the proposed plans and although they were asking for medium density, up to 10 units per acre, they were proposing less than 10 units per acre and believe the use is appropriate.

Vice-Chairman Jo Cato asked the applicant if this was a for sale or rental product. Mr. Garcia responded this was be a gated community, for sale product and would have the look of large homes.

Chairman Aston stated the Board looks for layers of development and felt the proposed development was appropriate for the area.

Commissioner Leavitt asked the applicant if he had time to review the conditions of approval. Mr. Garcia responded he had reviewed the conditions and they were acceptable.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

4. **ZN-126-04 (18201) CELEBRATE @ PROVANCE EAST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES, ON BEHALF OF CLIFFORD J. AND DONNA S. FINDLAY, CELEBRATE PROPERTIES, LLC, THOMAS AND KUMIKO WINTER, AND DALE L. AND FRANCES E. REESE, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT AND A C-2 GENERAL COMMERCIAL DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 262 DWELLING UNITS (27 SIX-PLEXES, 8 THREE-PLEXES, AND 38 DUPLEXES) AND APPROXIMATELY 29,600 SQUARE FEET OF COMMERCIAL. THE PROPERTY IS LOCATED EAST OF SIMMONS STREET AND SOUTH OF THE GOWAN DRAINAGE CHANNEL. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-601-002, 139-05-601-003, 139-05-601-004, 139-05-601-006, 139-05-601-007, 139-05-601-008, 139-05-601-009, 139-05-601-010, 139-05-601-014, 139-05-601-029, 139-05-601-031, AND 139-05-601-033.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company has an interest in the project.

The applicant requested continuance to January 26, 2005

Chairman Jay Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO JANUARY 26, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

5. **AMP-01-05 (18438) CARVER COMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE DANIEL, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF LDR LOW DENSITY RESIDENTIAL TO MHDR MEDIUM HIGH DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF LAKE MEAD BOULEVARD AND TONOPAH DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-21-201-001.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending denial of AMP-01-05 because the site does not comply with the Comprehensive Plan for an amendment to change to medium-high density. The site is not located in an intersection of two 100 foot streets and is a smaller 2.5 acre parcel surrounded by single family residential.

Scott Sabraw, 2756 North Green Valley Parkway #177, Henderson, NV 89014 appeared on behalf of the applicant stating this was a condominium project off of Lake Mead Boulevard and Tonopah Avenue. He stated they have proposed 28 units of condominiums that will be for sale. There will be only one entrance and exit off of Lake Mead. The plan shows a gate off of Carver Street for fire emergencies and would be kept closed. There is plenty of space surrounding the property for trees and other types of landscaping and there is more parking than required. There is 20 feet from the back wall and the first buildings will be single story, giving privacy to the single family residences. Mr. Sabraw explained they had a neighborhood meeting and sent out over 350 cards, none of which were returned. Two phone calls were received with positive comments. Commissioner Leavitt and one other person attended the neighborhood meeting and seemed pleased with the project.

Soledad Voquetevo, 1930 King Hill, Las Vegas, NV 89106 stated she was in favor of the project.

Commissioner Dean Leavitt stated he attended the neighborhood meeting on this project and was pleased with the proposed project and would be supporting the application.

Chairman Jay Aston asked the width of the narrow side of the parcel. Mr. Sabraw responded the width was 194 feet. Chairman Aston asked if the site was surrounded by R-1. Mr. Sabraw responded it was surrounded by R-1 and R-3. Chairman Aston asked if the typical depth of a lot in R-1 was 100 feet. Robert Eastman, Planner responded a typical lot in R-1 would be 60 feet by 100 feet. Chairman Aston asked if a road were put down the middle of the site, with R-1 lots on one side and a block wall on the other side, it would not work, so that is probably why this lot has not been built on. He stated he would be supporting this application.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

6. **ZN-01-05 (18431) CARVER COMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE DANIEL, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO AN R-3 MULTIFAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF LAKE MEAD BOULEVARD AND TONOPAH DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-21-201-001.**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending denial of ZN-01-05 because the site does not comply with the Comprehensive Plan. The site is not located in an intersection of two 100 foot streets and is a smaller 2.5 acre parcel and is surrounded by single family residential.

Scott Sabraw, 2756 North Green Valley Parkway #177, Henderson, NV 89014 appeared on behalf of the applicant stating this was a condominium project off of Lake Mead Boulevard and Tonopah Avenue. He stated they have proposed 28 units of condominiums that will be for sale. There will be only one entrance and exit off of Lake Mead. The plan shows a gate off of Carver Street for fire emergencies and would be kept closed. There is plenty of space surrounding the property for trees and other types of landscaping and there is more parking than required. There is 20 feet from the back wall and the first buildings will be single story, giving privacy to the single family residences. Mr. Sabraw explained they had a neighborhood meeting and sent out over 350 cards, none of which were returned. Two phone calls were received with positive comments. Commissioner Leavitt and one other person attended the neighborhood meeting and seemed pleased with the project.

Soledad Voquetevo, 1930 King Hill, Las Vegas, NV 89106 stated she was in favor of the project.

Commissioner Dean Leavitt stated he attended the neighborhood meeting on this project and was pleased with the proposed project and would be supporting the application.

Chairman Jay Aston asked the width of the narrow side of the parcel. Mr. Sabraw responded the width was 194 feet. Chairman Aston asked if the site was surrounded by R-1. Mr. Sabraw responded it was surrounded by R-1 and R-3. Chairman Aston asked if the typical depth of a lot in R-1 was 100 feet. Robert Eastman, Planner responded a typical lot in R-1 would be 60 feet by 100 feet. Chairman Aston asked if a road were put down the middle of the site, with R-1 lots on one side and a block wall on the other side, it would not work, so that is probably why this lot has not been built on. He stated he would be supporting this application.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

7. **AMP-02-05 (18454) LONE MOUNTAIN & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES ON BEHALF OF THE LIED FOUNDATION TRUST, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL TO MHDR MEDIUM HIGH DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED EAST OF SIMMONS STREET AND APPROXIMATELY 370 FEET NORTH OF LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS124-32-810-001.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company was in the process of acquiring the property.

Item Nos. 7 through 9 were presented together.

The application was presented by Robert Eastman, Planner on behalf of Staff who stated Staff was recommending approval of AMP-02-05.

Robert Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 and Dave Clapsaddle, G.C. Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. Mr. Gronauer stated he previously presented an application for multi-family on this property. The neighbors were very upset with multi-family but the application was approved by the Planning Commission and forwarded to City Council for final consideration. The application was withdrawn without prejudice before it was heard by City Council. Mr. Gronauer stated the application was being brought back with a new plan and a new developer and he felt this was a better plan. Mr. Gronauer stated they had promised to meet with the neighbors between the time the item was heard at the Planning Commission Meeting and the City Council Meeting and stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following people appeared stating their opposition to this project:

Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031

Michael Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031

Charla Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031

Mike Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89032

Bernice Wingo, 5122 Fiji Island Court, North Las Vegas, NV 89031 did not wish to speak on the item.

Frieda Rapp, 2314 Costa Palma Avenue, North Las Vegas, NV 89031

Anthony Kasunic, 3013 Hot Cider Avenue, North Las Vegas, NV 89031

Robert L. Riemer, 2604 Bahama Point Avenue, North Las Vegas, NV 89031
M. Savage, 2604 Bahama Point Avenue, North Las Vegas, NV 89031
John Russiello, 2414 Paradise Isle Avenue, North Las Vegas, NV 89031
Brian Ganthier, 4730 Kodiak Hill Avenue, North Las Vegas, NV 89031
Monique Krystek, 5049 Cayman Beach Street, North Las Vegas, NV 89031

Chairman Aston closed the Public Hearing

Bob Gronauer stated they would continue to meet with the neighbors between now and when the application was heard by City Council and may consider a continuation.

Dave Clapsaddle explained the project and stated the current zoning of the site was Neighborhood Commercial. He stated the proposed project was a for-sale product, attached townhomes. He stated some of the neighbors expressed concerns whether street improvements would be done. He stated part of the re-zoning was to do half street improvements and they would be committed to completing the improvements along Simmons Street and Lone Mountain Road. Mr. Clapsaddle stated this was a good transitional use of the property and concurred with Staff recommendation.

Chairman Jay Aston stated he felt the density of the project was a big concern as most of the surrounding areas were four units to the acre. Chairman Aston asked Staff if there was a density between the Medium High Density Residential and the R-1. Planner Robert Eastman, responded it could be developed with either Medium or Medium Low Density Residential. Chairman Aston asked how many units were allowed with Medium Density. Mr. Eastman responded Medium Density was 4.5 to 10 units per acre and Medium Low Density was 4.5 to 6 units per acre. Chairman Aston clarified the full half street improvements would be installed at the intersection of Simmons Street and Craig Road. Mr. Gronauer responded that was correct. Chairman Aston explained when a piece of property was privately owned the City did not have the authority to force them to build a park on it but when a large development was approved, it was customary to require common areas be part of the plan. Chairman Aston asked Staff if there was opposition from the School District on this project. Planning Manager Marc Jordan responded the School District showed no opposition to the project.

Vice-Chairman Cato was concerned that the neighborhood meetings were not being held with enough time for the neighbors to get the information before the application was heard by the Planning Commission and felt the neighbors had a right to give input as to what was in their neighborhood.

Bob Gronauer stated he agreed with Vice-Chairman Cato but he was not involved with the project until the day of the Planning Commission meeting and understood the Board's

concerns regarding the neighborhood meeting and the density of the project. Vice-Chairman Cato asked if it were the decision of the Board to approve the application, if the traditional elevation exhibit could be added to the record. Mr. Gronauer responded that would be acceptable.

Planning Manager Marc Jordan stated the elevations were not part of the application. He stated this was the first time Staff had seen the site plan and it does not comply with the Multi-Family Design Standards. The Design Standards require a 50 foot set-back and what was presented at the meeting looked more like a 20 foot set-back. The building did not look like they meet the separation requirements and there was only one access into the site for the Fire Department and they usually require two accesses. Mr. Jordan suggested that the AMP and rezoning request be the focus as the site plan had not been formally submitted.

Commissioner Steve Brown asked Staff why they were recommending approval even though the application did not meet guidelines. Planner Robert Eastman responded the site, if developed as part of the PUD, would be developed as commercial. The Medium High Density being requested had less impact than commercial. Additionally, since there is a buffering area to the east and north of the site, which is a higher density residential, Staff did not feel the small amount of residential would be a negative impact on the neighborhood further to the north or east of the site, since there is already the higher density; therefore, that was one of the reasons for recommending approval. Additionally, the developer is much closer to meeting all of the guidelines than some other applications previously submitted and because of the buffering aspects of the surrounding neighborhood. Commissioner Brown also asked the maximum number of units allowed with Medium-High Density. Mr. Eastman responded 13 units per acre was the maximum allowed with Medium-High Density, but the R-2 zoning restricts it to 12 units. Mr. Gronauer stated if the Master Plan were approved to medium density, the maximum density would be 10 dwelling units to the acre. He felt an R-2 zone change was being presented, so, although you see the site plan as presented, they still have to bring back a site development plan review and a tentative map, so they would be mapped out as a for-sale product. Essentially, you would be approving the zone boundary of the property for an R-2 development. Commissioner Brown asked if the applicant would be willing to go Medium Density on the AMP. Mr. Gronauer responded he did not have the authority to make that decision, but if that was what the Board decided, they would be okay with it. Commissioner Brown asked Staff if Medium Density were approved with the AMP, and the zoning was approved as R-2, if they were capped at 10 or 12 units per acre. Mr. Eastman responded that legally they would be capped at 12 units per acre. Sr. Deputy City Attorney Jim Lewis stated the zoning district determined what can and cannot be built on a piece of property. The Master Plan was merely a guide. In this instance if the AMP were approved with Medium Density, and the zoning was approved for R-2, then the density would still be 12 units per acre.

Chairman Aston asked if there was an alternate zoning. Mr. Gronauer responded that under Nevada State Law you had to comply within the Master Plan, which allows up to 10 units per acre or they would have to use a different land use category. Chairman Aston asked Mr. Lewis if the property could be left as a PUD for the zoning. Mr. Lewis responded the zoning could be capped at a certain level with a PUD, the applicant would have to come in with that particular plan. Mr. Gronauer stated for the record that R-2 would not be building over 10 units per acre, it is Medium Density.

Commissioner Leavitt asked the applicant if he wanted to move forward with the application. Mr. Gronauer responded that was correct. Commissioner Leavitt asked if the application were approved, if it was planned to have further neighborhood meetings with the surrounding property owners. Mr. Gronauer responded they did have plans for future neighborhood meetings.

Commissioner Leavitt asked Mike Dodge about a statement he made regarding items going forward to City Council with no recommendation. Mr. Dodge responded, in talking with some other neighbors who had discussions with a developer, it was his understanding that was what was going to happen. Commissioner Leavitt stated on behalf of himself and other Board Members that as long as they had the current legal counsel for the Planning Commission, that would never happen.

Chairman Aston asked for a motion. Mr. Gronauer stated it might be best to work with the neighbors for another 30 days to come to an accord and asked for a continuance to February 9, 2005.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Chairman Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

8. **ZN-02-05 (18452) LONE MOUNTAIN & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES ON BEHALF OF THE LIED FOUNDATION TRUST, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO AN R-2 TWO-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED EAST OF SIMMONS STREET AND APPROXIMATELY 370 FEET NORTH OF LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-001.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company was in the process of acquiring the property.

Item Nos. 7 through 9 were presented together.

The application was presented by Robert Eastman, Planner on behalf of Staff who stated Staff was recommending approval of ZN-02-05.

Robert Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 and Dave Clapsaddle, G.C. Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. Mr. Gronauer stated he previously presented an application for multi-family on this property. The neighbors were very upset with multi-family but the application was approved by the Planning Commission and forwarded to City Council for final consideration. The application was withdrawn without prejudice before it was heard by City Council. Mr. Gronauer stated the application was being brought back with a new plan and a new developer and he felt this was a better plan. Mr. Gronauer stated they had promised to meet with the neighbors between the time the item was heard at the Planning Commission Meeting and the City Council Meeting and stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following people appeared stating their opposition to this project:

Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031

Michael Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031

Charla Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031

Mike Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89032

Bernice Wingo, 5122 Fiji Island Court, North Las Vegas, NV 89031 did not wish to speak on the item.

Frieda Rapp, 2314 Costa Palma Avenue, North Las Vegas, NV 89031

Anthony Kasunic, 3013 Hot Cider Avenue, North Las Vegas, NV 89031

Robert L. Riemer, 2604 Bahama Point Avenue, North Las Vegas, NV 89031

M. Savage, 2604 Bahama Point Avenue, North Las Vegas, NV 89031
John Russiello, 2414 Paradise Isle Avenue, North Las Vegas, NV 89031
Brian Ganthier, 4730 Kodiak Hill Avenue, North Las Vegas, NV 89031
Monique Krystek, 5049 Cayman Beach Street, North Las Vegas, NV 89031

Chairman Aston closed the Public Hearing

Bob Gronauer stated they would continue to meet with the neighbors between now and when the application was heard by City Council and may consider a continuation.

Dave Clapsaddle explained the project and stated the current zoning of the site was Neighborhood Commercial. He stated the proposed project was a for-sale product, attached townhomes. He stated some of the neighbors expressed concerns whether street improvements would be done. He stated part of the re-zoning was to do half street improvements and they would be committed to completing the improvements along Simmons Street and Lone Mountain Road. Mr. Clapsaddle stated this was a good transitional use of the property and concurred with Staff recommendation.

Chairman Jay Aston stated he felt the density of the project was a big concern as most of the surrounding areas were four units to the acre. Chairman Aston asked Staff if there was a density between the Medium High Density Residential and the R-1. Planner Robert Eastman, responded it could be developed with either Medium or Medium Low Density Residential. Chairman Aston asked how many units were allowed with Medium Density. Mr. Eastman responded Medium Density was 4.5 to 10 units per acre and Medium Low Density was 4.5 to 6 units per acre. Chairman Aston clarified the full half street improvements would be installed at the intersection of Simmons Street and Craig Road. Mr. Gronauer responded that was correct. Chairman Aston explained when a piece of property was privately owned the City did not have the authority to force them to build a park on it but when a large development was approved, it was customary to require common areas be part of the plan. Chairman Aston asked Staff if there was opposition from the School District on this project. Planning Manager Marc Jordan responded the School District showed no opposition to the project.

Vice-Chairman Cato was concerned that the neighborhood meetings were not being held with enough time for the neighbors to get the information before the application was heard by the Planning Commission and felt the neighbors had a right to give input as to what was in their neighborhood.

Bob Gronauer stated he agreed with Vice-Chairman Cato but he was not involved with the project until the day of the Planning Commission meeting and understood the Board's concerns regarding the neighborhood meeting and the density of the project. Vice-Chairman Cato asked if it were the decision of the Board to approve the application, if the traditional elevation exhibit could be added to the record. Mr. Gronauer responded that

would be acceptable.

Planning Manager Marc Jordan stated the elevations were not part of the application. He stated this was the first time Staff had seen the site plan and it does not comply with the Multi-Family Design Standards. The Design Standards require a 50 foot set-back and what was presented at the meeting looked more like a 20 foot set-back. The building did not look like they meet the separation requirements and there was only one access into the site for the Fire Department and they usually require two accesses. Mr. Jordan suggested that the AMP and rezoning request be the focus as the site plan had not been formally submitted.

Commissioner Steve Brown asked Staff why they were recommending approval even though the application did not meet guidelines. Planner Robert Eastman responded the site, if developed as part of the PUD, would be developed as commercial. The Medium High Density being requested had less impact than commercial. Additionally, since there is a buffering area to the east and north of the site, which is a higher density residential, Staff did not feel the small amount of residential would be a negative impact on the neighborhood further to the north or east of the site, since there is already the higher density; therefore, that was one of the reasons for recommending approval. Additionally, the developer is much closer to meeting all of the guidelines than some other applications previously submitted and because of the buffering aspects of the surrounding neighborhood. Commissioner Brown also asked the maximum number of units allowed with Medium-High Density. Mr. Eastman responded 13 units per acre was the maximum allowed with Medium-High Density, but the R-2 zoning restricts it to 12 units. Mr. Gronauer stated if the Master Plan were approved to medium density, the maximum density would be 10 dwelling units to the acre. He felt an R-2 zone change was being presented, so, although you see the site plan as presented, they still have to bring back a site development plan review and a tentative map, so they would be mapped out as a for-sale product. Essentially, you would be approving the zone boundary of the property for an R-2 development. Commissioner Brown asked if the applicant would be willing to go Medium Density on the AMP. Mr. Gronauer responded he did not have the authority to make that decision, but if that was what the Board decided, they would be okay with it. Commissioner Brown asked Staff if Medium Density were approved with the AMP, and the zoning was approved as R-2, if they were capped at 10 or 12 units per acre. Mr. Eastman responded that legally they would be capped at 12 units per acre. Sr. Deputy City Attorney Jim Lewis stated the zoning district determined what can and cannot be built on a piece of property. The Master Plan was merely a guide. In this instance if the AMP were approved with Medium Density, and the zoning was approved for R-2, then the density would still be 12 units per acre.

Chairman Aston asked if there was an alternate zoning. Mr. Gronauer responded that under Nevada State Law you had to comply within the Master Plan, which allows up to 10 units per acre or they would have to use a different land use category. Chairman Aston

asked Mr. Lewis if the property could be left as a PUD for the zoning. Mr. Lewis responded the zoning could be capped at a certain level with a PUD, the applicant would have to come in with that particular plan. Mr. Gronauer stated for the record that R-2 would not be building over 10 units per acre, it is Medium Density.

Commissioner Leavitt asked the applicant if he wanted to move forward with the application. Mr. Gronauer responded that was correct. Commissioner Leavitt asked if the application were approved, if it was planned to have further neighborhood meetings with the surrounding property owners. Mr. Gronauer responded they did have plans for future neighborhood meetings.

Commissioner Leavitt asked Mike Dodge about a statement he made regarding items going forward to City Council with no recommendation. Mr. Dodge responded, in talking with some other neighbors who had discussions with a developer, it was his understanding that was what was going to happen. Commissioner Leavitt stated on behalf of himself and other Board Members that as long as they had the current legal counsel for the Planning Commission, that would never happen.

Chairman Aston asked for a motion. Mr. Gronauer stated it might be best to work with the neighbors for another 30 days to come to an accord and asked for a continuance to February 9, 2005.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Chairman Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

9. **ZN-03-05 (18451) LONE MOUNTAIN & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE HOMES ON BEHALF OF THE LIED FOUNDATION TRUST, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SIMMONS STREET AND LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-001.**

Commissioner Harry Shull stated he would be abstaining from the vote on this application as his company was in the process of acquiring the property.

Item Nos. 7 through 9 were presented together.

The application was presented by Robert Eastman, Planner on behalf of Staff who stated Staff was recommending approval of ZN-03-05.

Robert Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 and **Dave Clapsaddle, G.C. Garcia, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant. Mr. Gronauer stated he previously presented an application for multi-family on this property. The neighbors were very upset with multi-family but the application was approved by the Planning Commission and forwarded to City Council for final consideration. The application was withdrawn without prejudice before it was heard by City Council. Mr. Gronauer stated the application was being brought back with a new plan and a new developer and he felt this was a better plan. Mr. Gronauer stated they had promised to meet with the neighbors between the time the item was heard at the Planning Commission Meeting and the City Council Meeting and stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. The following people appeared stating their opposition to this project:

Eric Young, 2531 Parasail Point, North Las Vegas, NV 89031

Michael Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031

Charla Mallett, 5138 Marshall Island Court, North Las Vegas, NV 89031

Mike Dodge, 4642 Kodiak Hill, North Las Vegas, NV 89032

Bernice Wingo, 5122 Fiji Island Court, North Las Vegas, NV 89031 did not wish to speak on the item.

Frieda Rapp, 2314 Costa Palma Avenue, North Las Vegas, NV 89031

Anthony Kasunic, 3013 Hot Cider Avenue, North Las Vegas, NV 89031

Robert L. Riemer, 2604 Bahama Point Avenue, North Las Vegas, NV 89031

M. Savage, 2604 Bahama Point Avenue, North Las Vegas, NV 89031

John Russiello, 2414 Paradise Isle Avenue, North Las Vegas, NV 89031
Brian Ganthier, 4730 Kodiak Hill Avenue, North Las Vegas, NV 89031
Monique Krystek, 5049 Cayman Beach Street, North Las Vegas, NV 89031

Chairman Aston closed the Public Hearing

Bob Gronauer stated they would continue to meet with the neighbors between now and when the application was heard by City Council and may consider a continuation.

Dave Clapsaddle explained the project and stated the current zoning of the site was Neighborhood Commercial. He stated the proposed project was a for-sale product, attached townhomes. He stated some of the neighbors expressed concerns whether street improvements would be done. He stated part of the re-zoning was to do half street improvements and they would be committed to completing the improvements along Simmons Street and Lone Mountain Road. Mr. Clapsaddle stated this was a good transitional use of the property and concurred with Staff recommendation.

Chairman Jay Aston stated he felt the density of the project was a big concern as most of the surrounding areas were four units to the acre. Chairman Aston asked Staff if there was a density between the Medium High Density Residential and the R-1. Planner Robert Eastman, responded it could be developed with either Medium or Medium Low Density Residential. Chairman Aston asked how many units were allowed with Medium Density. Mr. Eastman responded Medium Density was 4.5 to 10 units per acre and Medium Low Density was 4.5 to 6 units per acre. Chairman Aston clarified the full half street improvements would be installed at the intersection of Simmons Street and Craig Road. Mr. Gronauer responded that was correct. Chairman Aston explained when a piece of property was privately owned the City did not have the authority to force them to build a park on it but when a large development was approved, it was customary to require common areas be part of the plan. Chairman Aston asked Staff if there was opposition from the School District on this project. Planning Manager Marc Jordan responded the School District showed no opposition to the project.

Vice-Chairman Cato was concerned that the neighborhood meetings were not being held with enough time for the neighbors to get the information before the application was heard by the Planning Commission and felt the neighbors had a right to give input as to what was in their neighborhood.

Bob Gronauer stated he agreed with Vice-Chairman Cato but he was not involved with the project until the day of the Planning Commission meeting and understood the Board's concerns regarding the neighborhood meeting and the density of the project. Vice-Chairman Cato asked if it were the decision of the Board to approve the application, if the traditional elevation exhibit could be added to the record. Mr. Gronauer responded that would be acceptable.

Planning Manager Marc Jordan stated the elevations were not part of the application. He stated this was the first time Staff had seen the site plan and it does not comply with the Multi-Family Design Standards. The Design Standards require a 50 foot set-back and what was presented at the meeting looked more like a 20 foot set-back. The building did not look like they meet the separation requirements and there was only one access into the site for the Fire Department and they usually require two accesses. Mr. Jordan suggested that the AMP and rezoning request be the focus as the site plan had not been formally submitted.

Commissioner Steve Brown asked Staff why they were recommending approval even though the application did not meet guidelines. Planner Robert Eastman responded the site, if developed as part of the PUD, would be developed as commercial. The Medium High Density being requested had less impact than commercial. Additionally, since there is a buffering area to the east and north of the site, which is a higher density residential, Staff did not feel the small amount of residential would be a negative impact on the neighborhood further to the north or east of the site, since there is already the higher density; therefore, that was one of the reasons for recommending approval. Additionally, the developer is much closer to meeting all of the guidelines than some other applications previously submitted and because of the buffering aspects of the surrounding neighborhood. Commissioner Brown also asked the maximum number of units allowed with Medium-High Density. Mr. Eastman responded 13 units per acre was the maximum allowed with Medium-High Density, but the R-2 zoning restricts it to 12 units. Mr. Gronauer stated if the Master Plan were approved to medium density, the maximum density would be 10 dwelling units to the acre. He felt an R-2 zone change was being presented, so, although you see the site plan as presented, they still have to bring back a site development plan review and a tentative map, so they would be mapped out as a for-sale product. Essentially, you would be approving the zone boundary of the property for an R-2 development. Commissioner Brown asked if the applicant would be willing to go Medium Density on the AMP. Mr. Gronauer responded he did not have the authority to make that decision, but if that was what the Board decided, they would be okay with it. Commissioner Brown asked Staff if Medium Density were approved with the AMP, and the zoning was approved as R-2, if they were capped at 10 or 12 units per acre. Mr. Eastman responded that legally they would be capped at 12 units per acre. Sr. Deputy City Attorney Jim Lewis stated the zoning district determined what can and cannot be built on a piece of property. The Master Plan was merely a guide. In this instance if the AMP were approved with Medium Density, and the zoning was approved for R-2, then the density would still be 12 units per acre.

Chairman Aston asked if there was an alternate zoning. Mr. Gronauer responded that under Nevada State Law you had to comply within the Master Plan, which allows up to 10 units per acre or they would have to use a different land use category. Chairman Aston asked Mr. Lewis if the property could be left as a PUD for the zoning. Mr. Lewis responded the zoning could be capped at a certain level with a PUD, the applicant would have to come

in with that particular plan. Mr. Gronauer stated for the record that R-2 would not be building over 10 units per acre, it is Medium Density.

Commissioner Leavitt asked the applicant if he wanted to move forward with the application. Mr. Gronauer responded that was correct. Commissioner Leavitt asked if the application were approved, if it was planned to have further neighborhood meetings with the surrounding property owners. Mr. Gronauer responded they did have plans for future neighborhood meetings.

Commissioner Leavitt asked Mike Dodge about a statement he made regarding items going forward to City Council with no recommendation. Mr. Dodge responded, in talking with some other neighbors who had discussions with a developer, it was his understanding that was what was going to happen. Commissioner Leavitt stated on behalf of himself and other Board Members that as long as they had the current legal counsel for the Planning Commission, that would never happen.

Chairman Aston asked for a motion. Mr. Gronauer stated it might be best to work with the neighbors for another 30 days to come to an accord and asked for a continuance to February 9, 2005.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Chairman Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

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

The meeting reconvened at 9:45 p.m.

10. **UN-134-04 (18379) DORRELL & GOLDFIELD HIGH SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT, PROPERTY OWNER, TO AMEND A PREVIOUSLY APPROVED USE PERMIT FOR A HIGH SCHOOL IN A PSP PUBLIC/SEMI-PUBLIC DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF GOLDFIELD STREET AND DORRELL LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-22-601-001.**

The application was presented by Marc Jordan on behalf of Staff who indicated Staff was recommending approval to amend a previously approved use permit, UN-134-04, with Condition No. 2 amended to read as follows:

2. The development shall comply with all of the Commercial Design Standards and Design Guidelines, with the exception of the following:
 - a. Perimeter landscaping (including sidewalks) along Goldfield Street may be reduced to a minimum width of 8'-6" adjacent to the tennis and basketball courts and further reduced to a width of approximately four (4) feet adjacent to baseball diamond.
 - b. Perimeter landscaping along Dorrell Lane may be reduced to a width twenty (20) feet (including sidewalks). Those areas adjacent to the baseball diamond and the softball field may be further reduced to between ten (10) and thirteen (13) feet, as shown on the site plan.
 - c. Sidewalks along Deer Springs Way and Dorrell Lane (both 80-foot rights-of-way) shall be separated from the back of curb by a minimum of five (5) feet and meandering, as shown on the revised site plan.

Carol Bailey, Clark County School District, 4212 Eucalyptus Annex, Las Vegas, NV 89121 appeared along with John Rappel, Tate Schneider appeared on behalf of the applicant and stated she concurred with Staff recommendation.

Chairman Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

11. **UN-02-05 (18446) CRAIG PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SAHARA VEGAS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF COLEMAN STREET AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-701-016.**

The application was presented by Robert Eastman on behalf of Staff who indicated Staff was recommending continuance to allow applicant to submit a revised site plan as the site needs more foundation landscaping. Additionally, there are concerns about the overall circulation through the site and the building elevations are not in compliance with Commercial Design Guidelines. A number of building materials have been used that are not preferred, including block walls and standing metal seam roofs.

Michael Wright, Sahara Vegas LLC, 801 North 500 West, Suite 300, West Bountiful Utah appeared on behalf of the applicant and stated they were in agreement with the continuation and would like to continue to work with Staff to improve the plan.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

12. **UN-03-05 (18460) CENTENNIAL 5 LLC RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CREST RIDGE, LLC, ON BEHALF OF CENTENNIAL 5 DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-801-013.**

It was requested by the applicant to continue UN-03-05 to January 26, 2005

Chairman Jay Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO JANUARY 26, 2005

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

13. **UN-04-05 (18456) CENTENNIAL 5 LLC RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CREST RIDGE, LLC, ON BEHALF OF CENTENNIAL 5 DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT WITH DRIVE-THRU. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-801-013.**

It was requested by the applicant to continue UN-04-05 to January 26, 2005

Chairman Jay Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO JANUARY 26, 2005

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

14. **VN-01-05 (18378) MIRA VISTA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PLASTER DEVELOPMENT, PROPERTY OWNER, FOR A VARIANCE IN A PUD PLANNED UNIT DEVELOPMENT TO REDUCE THE SIDE YARD SETBACK TO 4.1 FEET WHERE 5 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT 3625 ASIAGO COURT. THE ASSESSOR'S PARCEL NUMBER 139-09-220-026.**

The application was presented by Bob Hoyes Planner on behalf of Staff who indicated Staff was recommending denial of VN-01-05; however, if approved, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That a minimum 4.2-foot side yard setback be provided at the rear of the dwelling and taper down to 4.1 feet at the front of the dwelling, as indicated on the submitted site plan for Lot 26.

Bobby Lewis, Signature Homes, 801 South Rancho Drive, Suite E-4, Las Vegas, NV 89106 appeared on behalf of the applicant who stated after the home was built, they noticed they were encroaching into the side yard set-back approximately 10 inches. He stated the house had already been finalized and he checked with the City of North Las Vegas Building Department and the new residents have been living in the home since December, 2004 and he was asking for a 10" encroachment in the side yard set-back. He stated the encroachment would not cause any safety concerns and asked for the Commission's approval.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if the variance were denied, if the home would have to be torn down. Planning Manager Marc Jordan responded if the application were denied, the applicant would have to try to remedy the situation.

Sr. Deputy City Attorney Jim Lewis stated as a cautionary tale for any other developers, while the house did get finalized, the City does not survey the foundations as to where they were located.

Commissioner Shull felt this was not a common occurrence and since the house had already been finalized, the variance should be approved.

ACTION: APPROVED

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

15. **SPR-02-05 (18447) LONE MTN & LOSEE CONDOMINIUMS. AN APPLICATION SUBMITTED BY GSL PROPERTIES, INC., ON BEHALF OF R&S LOSEE, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 432 CONDOMINIUMS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF LOSEE ROAD AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-35-703-008.**

The applicant requested continuance to January 26, 2005.

ACTION: CONTINUED TO JANUARY 26, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

16. **T-1146 (18449) LONE MTN & LOSEE CONDOMINIUMS. AN APPLICATION SUBMITTED BY GSL PROPERTIES, INC., ON BEHALF OF R&S LOSEE, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 432 CONDOMINIUMS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF LOSEE ROAD AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-35-703-008.**

The applicant requested an indefinite continuance.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

OLD BUSINESS

17. **VAC-31-04 (16894) ENGLE AVENUE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT CORPORATION ON BEHALF OF MARLIDA, INC., PROPERTY OWNER, TO VACATE THE NORTHERLY 30-FOOT HALF-STREET RIGHT-OF-WAY OF ENGLE AVENUE COMMENCING APPROXIMATELY 160 FEET EAST OF LOSEE ROAD AND PROCEEDING EAST APPROXIMATELY 469 FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-24-301-001. (CONTINUED SEPTEMBER 22, OCTOBER 27, AND DECEMBER 8, 2004)**

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated they were asking for a continuance as they have been working with Staff and the developer on an unnamed street on what can be vacated and they had also been working with the Fire Department. They would like to move forward tonight but because of the changes agreed to with U.S. Homes and with respect to the vacations, there is a notification issue that would hold up the application. Mr. Gronauer stated they concur with a continuance to February 9, 2005.

Chairman Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

18. **SPR-45-04 (16893) DEER SPRINGS & LOSEE. AN APPLICATION SUBMITTED BY PICERNE DEVELOPMENT CORPORATION, ON BEHALF OF MARLIDA, INC., PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LOSEE ROAD AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-24-301-001 AND 124-24-301-002. (CONTINUED SEPTEMBER 22, OCTOBER 27, AND DECEMBER 8, 2004)**

Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant and stated they were asking for a continuance as they have been working with Staff and the developer on an unnamed street on what can be vacated and they had also been working with the Fire Department. They would like to move forward tonight but because of the changes agreed to with U.S. Homes and with respect to the vacations, there is a notification issue that would hold up the application. Mr. Gronauer stated they concur with a continuance to February 9, 2005.

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

19. **ZOA-12-04 (16902) ELIMINATION OF FWD REQUIREMENTS (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY ORION ENGINEERING AND SURVEYING, INC., TO AMEND TITLE 17 (ZONING ORDINANCE) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO ELIMINATE THE REQUIREMENT FOR FENCE/WALL DEVIATIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED SEPTEMBER 22, OCTOBER 27, AND DECEMBER 8, 2004)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval with the following changes:

On Page 1, definitions - 17.12.020 - Decorative Wall - In place of one pilaster every thirty (30) linear feet or portion thereof, staff recommends it be *one pilaster every (40) linear feet or portion thereof*.

On page 2, 17.24.080.B - all fences and/or walls shall be located entirely upon the private property of the person, firms or corporations constructing or causing the construction of such fence and/or wall unless the owner of the property adjoining (change to *adjoining property*) agrees.

One page 4, beginning at top of page subparagraph C to read - *three feet and higher* - see current building code adopted by the City and D remove all language and replace with "*all retaining and screen walls shall be sealed by a method approved by the division of Building Safety to prevent the leaching or transmission of mineral deposits through the wall*."

On page 5, paragraph E, Commercial and Industrial District Fences, paragraph one, second sentence - *Boundary line fences and walls abutting residential districts shall not be greater than 8 feet in height as measured from the residential side of the property line*. Paragraph two, *fences and wall in industrial districts shall not exceed 12 feet in overall height boundary line fences abutting residential districts shall not be great than 8 feet in height as measured from the residential side of the property line*.

Subsection G, the last sentence, *exempt from this requirement are all internal common property line, i.e., rear and/or side yards that abut other rear and/or side yards, walls that are not otherwise required to be decorative within a residential subdivision*.

17.24.200 Commercial Development Standards and Design Guidelines, Section G, Paragraph 1 *Perimeter wall, berms or fences, if used, shall be installed to a height of not less than 3'6" nor greater than 10 feet*.

17.24.205 Industrial Development Standards, Section G, Paragraph 1, *Perimeter walls, berms or fences, if used, shall be installed to a height of not less than 3'6" nor greater than 10 feet*.

17.24.210 Single Family Design Guidelines, Section F, Paragraph D which is changed to Paragraph C , *Solid decorative walls shall be constructed on or adjacent to the property lines between any residential development which abuts non-residential development.*

the new Paragraph D be eliminated or deleted and subsequently Paragraph E changed to Paragraph D, Paragraph F changed to Paragraph E and Paragraph G changed to Paragraph F.

Dean Rasmussen, Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant and stated he concurred with Staff recommendation.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Bob Hoyes stated he received an e-mail from Connie Suckling of the Southern Nevada Home Builders Association expressing her concerns from Tom Warley that they would prefer that the pilasters under the definitions be constructed every 150 to 200 feet, where we are recommending a change from 30 feet to 40 feet.

Chairman Aston asked the applicant if he was in agreement with the changes read into the record. Mr. Rasmussen responded he was in agreement with the proposed changes.

Chairman Steve Brown asked what the purpose of the pilasters were. Mr. Rasmussen responded the purpose was mostly for aesthetics.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION AND CHANGES AS READ INTO THE RECORD

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

20. **AMP-99-04 (17744) GOLDFIELD & ROME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES, INC., ON BEHALF OF GOLDFIELD CENTENNIAL, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO HDR HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DARLING ROAD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-801-011. (CONTINUED DECEMBER 8, 2004)**

Item Nos. 20 and 21 were presented together.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending that AMP-99-04 be denied because the site was not in compliance based on the criteria in the Comprehensive Plan.

Jennifer Lazovich, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating they held a neighborhood meeting to explain the project. The project was an R-2, two family type project and they were requesting the Amendment to the Master Plan be reduced from High Density Residential to Medium High Density Residential and the zone change be reduced from R-3 to R-2.

Chairman Jay Aston opened the Public Hearing. The following participants spoke in favor of the project:

Scott Hosey and Angela Hosey, 6476 Raven Hall, North Las Vegas, NV 89084 stated if the applicant carried through with what was presented at the neighborhood meeting, he would be in favor of the project.

Bill Bowes, 6544 Butterfly Sky, North Las Vegas, NV 89084 appreciated the applicant having the neighborhood meeting and was in favor of the project.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE MODIFICATION CHANGING FROM COMMUNITY COMMERCIAL TO MEDIUM HIGH DENSITY RESIDENTIAL.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

21. **ZN-118-04 (17743) GOLDFIELD & ROME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES, INC., ON BEHALF OF GOLDFIELD CENTENNIAL, LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A C-2 GENERAL COMMERCIAL DISTRICT TO AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DARLING ROAD AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-801-011. (CONTINUED DECEMBER 8, 2004)**

Item Nos. 20 and 21 were presented together.

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending that ZN-118-04 be denied because the site was not in compliance based on the criteria in the Comprehensive Plan.

Jennifer Lazovich, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant stating they held a neighborhood meeting to explain the project. The project was an R-2, two family type project and they were requesting the Amendment to the Master Plan be reduced from High Density Residential to Medium High Density Residential and the zone change be reduced from R-3 to R-2.

Chairman Jay Aston opened the Public Hearing. The following participants spoke in favor of the project:

Scott Hosey and Angela Hosey, 6476 Raven Hall, North Las Vegas, NV 89084 stated if the applicant carried through with what was presented at the neighborhood meeting, he would be in favor of the project.

Bill Bowes, 6544 Butterfly Sky, North Las Vegas, NV 89084 appreciated the applicant having the neighborhood meeting and was in favor of the project.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH ZONE CHANGE FROM C-2 TO R-2

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

22. **VAC-38-04 (17745) GOLDFIELD & ROME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLUE HERON PROPERTIES, INC., ON BEHALF OF GOLDFIELD CENTENNIAL, LLC, TO VACATE DARLING ROAD COMMENCING AT GOLDFIELD STREET AND PROCEEDING EAST APPROXIMATELY 670 FEET AND AN UNNAMED STREET COMMENCING AT DARLING ROAD AND PROCEEDING SOUTH APPROXIMATELY 304 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-801-011 AND 124-22-801-012. (CONTINUED DECEMBER 8, 2004)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending approval of VAC-38-04.

Jennifer Lazovich, 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 recommendation.

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

Scott Hosey and Angela Hosey, 6476 Raven Hall, North Las Vegas, NV 89084 stated if the applicant carried through with what was presented at the neighborhood meeting, he would be in favor of the project.

Bill Bowes, 6544 Butterfly Sky, North Las Vegas, NV 89084 appreciated the applicant having the neighborhood meeting and was in favor of the project.

Chairman Aston closed the Public Hearing.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

23. **UN-157-04 (17760) NORTH 5TH & REGENA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY S & J PROPERTIES, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A BAR/TAVERN. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF REGENA AVENUE AND NORTH FIFTH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-26-101-005. (CONTINUED DECEMBER 8, 2004)**

The applicant requested an indefinite continuance.

Chairman Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

24. **AMP-103-04 (18012) ANN & ALLEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KENNEDY COMMERCIAL, ON BEHALF OF ALIANTE COMMONS LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO MHDR MEDIUM-HIGH DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 370 FEET NORTH OF ANN ROAD AND APPROXIMATELY 150 FEET EAST OF WILLIS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-018. (CONTINUED DECEMBER 8, 2004)**

Item Nos. 24 through 26 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending a continuance. He stated, because there was a Development Agreement, the site plan had to be taken into consideration. Currently, an approval to an Amendment to the Comprehensive Plan for Medium High Density would be against the existing Development Agreement and Staff would not support or recommend approval at this time. Furthermore, part of the language in the Development Agreement Staff was proposing was very similar to that of Aliante in which the Comprehensive Plan was amended in accordance with the Development Agreement and until those issues were worked out, it would be difficult for Staff to be able to present an appropriate recommendation to the Commission. The applicant had submitted a plan which incorporated some changes recommended by Staff. For example, along Willis Street, under the existing Development Agreement, it can all be developed as office and the office was intended to serve as a buffer from the residential to the west of Willis Street to the commercial that was proposed east of the office development. Staff would like to see the applicant consider revising their plans to bring the Medium High Density along Willis Street to serve as a buffer. Currently, the applicant was not proposing that, as indicated on one of the applications, it was for Community Commercial, so the applicant was proposing to change the Office to some Commercial in that area. With the design of the site, Staff would like to see some of the access off of Ann Road instead of Willis Street and design changes to the commercial development itself. With the result of the changes, Staff was recommending that the Amendment to the Comprehensive Plan be continued to allow Staff more time to work with the applicant in getting the Development Agreement to a state where Staff felt comfortable with it.

George Garcia, G.C. Garcial, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. Mr. Garcia gave some history on the site and presented the proposed project. He stated he understood this was a unique situation because it was an amended Development Agreement but felt the project should move forward even though the amended agreement was not complete. He stated they agreed with Staff that it was important for the Commission to look at the Development Agreement but it was not yet complete. He stated development agreements must be consistent with the Comprehensive Plan and the zoning must be consistent with the Development Agreement and requested the application be approved and forwarded to City Council while

the Agreement was being completed. Mr. Garcia stated he would be agreeable to bring the agreement back to the Commission but the verbiage was nothing more than what was contemplated in the execution of the details. Mr. Garcia stated if the AMP were approved, they would bring the Development Agreement back in two weeks or as soon as it could be put on the Agenda.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked Staff since the item had been continued for 30 days, what the hold up was on getting the Development Agreement completed. Marc Jordan, Planning Manager responded the revised Development Agreement was received two days ago and the meeting to go over the agreement with Mr. Garcia was scheduled for January 13. He stated it would take time to review the agreement and it must also be reviewed by several other departments and discussed with the applicant. Chairman Aston asked if, for an Amendment to the Master Plan (AMP), it was required that the final Development Agreement be in place. Sr. Deputy City Attorney Jim Lewis responded that moving forward with the AMP this evening may curtail the flexibility Staff and the City Council had to negotiate what the site plan would look like.

Mr. Garcia stated the final agreement was submitted in the last two days, because out of frustration, they had sent numerous documents forward that they had not received the necessary feedback on. They had asked to move forward with the project and when it was continued 30 days ago, it was made clear they needed to go forward with the project and were given a commitment that Staff would make their best endeavor to get the application completed.

Commissioner Steve Brown commented the proposed plan would be good for the area and felt some changes should be made. He understood Staff's concerns and felt it was appropriate to continue the item to allow the meeting on the Development Agreement to take place.

Chairman Aston stated the applicant was requesting either an approval or denial. Mr. Lewis stated in this case a continuance was what the Attorney's Office and the Planning Staff was recommending to allow time for the Development Agreement to be completed.

Chairman Aston asked if the item were continued for two weeks, if the Development Agreement could be completed in that time frame. Mr. Lewis responded that Staff would like to present the completed site plan to Council and after it is approved, then the applicant could apply for the zoning and the AMP. That way everyone knows what has been approved. He felt he would still have the same opinion in two weeks, even if there was a Development Agreement in final form, it should be approved by Council and he did not feel a two week continuance was enough time for that to happen.

Jory Stewart, Planning and Development Director stated Staff had been working diligently on the Development Agreement. A number of departments must review the terms of the amendments to the agreement as well as the original agreement. After Staff in the various departments had reviewed the amended agreement, it must be reviewed by the City Attorney's Office and she did not feel a two week continuance would give enough time.

Commissioner Shull stated he understood the problems with the Development Agreement not being complete but the applicant made it clear he wanted an approval or denial and asked the applicant if he would be willing to go for a continuance. Mr. Garcia confirmed he would like an approval or denial. He stated he felt this application was no different from a PUD and felt he was being penalized because he had a development agreement and asked that the application be forwarded to City Council.

Mr. Lewis stated it appeared Staff was not in favor of the plan presented and that was why moving forward at this time was not a good idea for Staff's ability to continue negotiating the plan with the developer. He pointed out, AMP's were not the type of application where concurrence must be received from the applicant in order to continue an item.

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Shull

AYES: Vice-Chairman Cato, Commissioners Shull, Brown, Trivedi, and Carvalho

NAYS: Chairman Aston, Commissioner Leavitt

ABSTAIN: None

25. **AMP-105-04 (18015) ANN & ALLEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KENNEDY COMMERCIAL, ON BEHALF OF ALIANTE COMMONS LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF OFFICE TO MHDR MEDIUM-HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED EAST OF WILLIS STREET AND APPROXIMATELY 370 FEET NORTH OF ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-018. (CONTINUED DECEMBER 8, 2004)**

Item Nos. 24 through 26 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending a continuance. He stated, because there was a Development Agreement, the site plan had to be taken into consideration. Currently, an approval to an Amendment to the Comprehensive Plan for Medium High Density would be against the existing Development Agreement and Staff would not support or recommend approval at this time. Furthermore, part of the language in the Development Agreement Staff was proposing was very similar to that of Aliante in which the Comprehensive Plan was amended in accordance with the Development Agreement and until those issues were worked out, it would be difficult for Staff to be able to present an appropriate recommendation to the Commission. The applicant had submitted a plan which incorporated some changes recommended by Staff. For example, along Willis Street, under the existing Development Agreement, it can all be developed as office and the office was intended to serve as a buffer from the residential to the west of Willis Street to the commercial that was proposed east of the office development. Staff would like to see the applicant consider revising their plans to bring the Medium High Density along Willis Street to serve as a buffer. Currently, the applicant was not proposing that, as indicated on one of the applications, it was for Community Commercial, so the applicant was proposing to change the Office to some Commercial in that area. With the design of the site, Staff would like to see some of the access off of Ann Road instead of Willis Street and design changes to the commercial development itself. With the result of the changes, Staff was recommending that the Amendment to the Comprehensive Plan be continued to allow Staff more time to work with the applicant in getting the Development Agreement to a state where Staff felt comfortable with it.

George Garcia, G.C. Garcial, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. Mr. Garcia gave some history on the site and presented the proposed project. He stated he understood this was a unique situation because it was an amended Development Agreement but felt the project should move forward even though the amended agreement was not complete. He stated they agreed with Staff that it was important for the Commission to look at the Development Agreement but it was not yet complete. He stated development agreements must be consistent with the Comprehensive Plan and the zoning must be consistent with the Development Agreement and requested the application be approved and forwarded to City Council while the Agreement was being completed. Mr. Garcia stated he would be agreeable to bring

the agreement back to the Commission but the verbiage was nothing more than what was contemplated in the execution of the details. Mr. Garcia stated if the AMP were approved, they would bring the Development Agreement back in two weeks or as soon as it could be put on the Agenda.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked Staff since the item had been continued for 30 days, what the hold up was on getting the Development Agreement completed. Marc Jordan, Planning Manager responded the revised Development Agreement was received two days ago and the meeting to go over the agreement with Mr. Garcia was scheduled for January 13. He stated it would take time to review the agreement and it must also be reviewed by several other departments and discussed with the applicant. Chairman Aston asked if, for an Amendment to the Master Plan (AMP), it was required that the final Development Agreement be in place. Sr. Deputy City Attorney Jim Lewis responded that moving forward with the AMP this evening may curtail the flexibility Staff and the City Council had to negotiate what the site plan would look like.

Mr. Garcia stated the final agreement was submitted in the last two days, because out of frustration, they had sent numerous documents forward that they had not received the necessary feedback on. They had asked to move forward with the project and when it was continued 30 days ago, it was made clear they needed to go forward with the project and were given a commitment that Staff would make their best endeavor to get the application completed.

Commissioner Steve Brown commented the proposed plan would be good for the area and felt some changes should be made. He understood Staff's concerns and felt it was appropriate to continue the item to allow the meeting on the Development Agreement to take place.

Chairman Aston stated the applicant was requesting either an approval or denial. Mr. Lewis stated in this case a continuance was what the Attorney's Office and the Planning Staff was recommending to allow time for the Development Agreement to be completed.

Chairman Aston asked if the item were continued for two weeks, if the Development Agreement could be completed in that time frame. Mr. Lewis responded that Staff would like to present the completed site plan to Council and after it is approved, then the applicant could apply for the zoning and the AMP. That way everyone knows what has been approved. He felt he would still have the same opinion in two weeks, even if there was a Development Agreement in final form, it should be approved by Council and he did not feel a two week continuance was enough time for that to happen.

Jory Stewart, Planning and Development Director stated Staff had been working diligently on the Development Agreement. A number of departments must review the terms of the amendments to the agreement as well as the original agreement. After Staff in the various departments had reviewed the amended agreement, it must be reviewed by the City Attorney's Office and she did not feel a two week continuance would give enough time.

Commissioner Shull stated he understood the problems with the Development Agreement not being complete but the applicant made it clear he wanted an approval or denial and asked the applicant if he would be willing to go for a continuance. Mr. Garcia confirmed he would like an approval or denial. He stated he felt this application was no different from a PUD and felt he was being penalized because he had a development agreement and asked that the application be forwarded to City Council.

Mr. Lewis stated it appeared Staff was not in favor of the plan presented and that was why moving forward at this time was not a good idea for Staff's ability to continue negotiating the plan with the developer. He pointed out, AMP's were not the type of application where concurrence must be received from the applicant in order to continue an item.

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Shull, Brown, Trivedi,
and Carvalho

NAYS: Commissioner Leavitt

ABSTAIN: None

26. **AMP-104-04 (18014) ANN & ALLEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KENNEDY COMMERCIAL, ON BEHALF OF ALIANTE COMMONS LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF OFFICE TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND WILLIS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-018. (CONTINUED DECEMBER 8, 2004)**

Item Nos. 24 through 26 were presented together.

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated Staff was recommending a continuance. He stated, because there was a Development Agreement, the site plan had to be taken into consideration. Currently, an approval to an Amendment to the Comprehensive Plan for Medium High Density would be against the existing Development Agreement and Staff would not support or recommend approval at this time. Furthermore, part of the language in the Development Agreement Staff was proposing was very similar to that of Aliante in which the Comprehensive Plan was amended in accordance with the Development Agreement and until those issues were worked out, it would be difficult for Staff to be able to present an appropriate recommendation to the Commission. The applicant had submitted a plan which incorporated some changes recommended by Staff. For example, along Willis Street, under the existing Development Agreement, it can all be developed as office and the office was intended to serve as a buffer from the residential to the west of Willis Street to the commercial that was proposed east of the office development. Staff would like to see the applicant consider revising their plans to bring the Medium High Density along Willis Street to serve as a buffer. Currently, the applicant was not proposing that, as indicated on one of the applications, it was for Community Commercial, so the applicant was proposing to change the Office to some Commercial in that area. With the design of the site, Staff would like to see some of the access off of Ann Road instead of Willis Street and design changes to the commercial development itself. With the result of the changes, Staff was recommending that the Amendment to the Comprehensive Plan be continued to allow Staff more time to work with the applicant in getting the Development Agreement to a state where Staff felt comfortable with it.

George Garcia, G.C. Garcial, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. Mr. Garcia gave some history on the site and presented the proposed project. He stated he understood this was a unique situation because it was an amended Development Agreement but felt the project should move forward even though the amended agreement was not complete. He stated they agreed with Staff that it was important for the Commission to look at the Development Agreement but it was not yet complete. He stated development agreements must be consistent with

the Comprehensive Plan and the zoning must be consistent with the Development Agreement and requested the application be approved and forwarded to City Council while the Agreement was being completed. Mr. Garcia stated he would be agreeable to bring the agreement back to the Commission but the verbiage was nothing more than what was contemplated in the execution of the details. Mr. Garcia stated if the AMP were approved, they would bring the Development Agreement back in two weeks or as soon as it could be put on the Agenda.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

Chairman Aston closed the Public Hearing.

Chairman Aston asked Staff since the item had been continued for 30 days, what the hold up was on getting the Development Agreement completed. Marc Jordan, Planning Manager responded the revised Development Agreement was received two days ago and the meeting to go over the agreement with Mr. Garcia was scheduled for January 13. He stated it would take time to review the agreement and it must also be reviewed by several other departments and discussed with the applicant. Chairman Aston asked if, for an Amendment to the Master Plan (AMP), it was required that the final Development Agreement be in place. Sr. Deputy City Attorney Jim Lewis responded that moving forward with the AMP this evening may curtail the flexibility Staff and the City Council had to negotiate what the site plan would look like.

Mr. Garcia stated the final agreement was submitted in the last two days, because out of frustration, they had sent numerous documents forward that they had not received the necessary feedback on. They had asked to move forward with the project and when it was continued 30 days ago, it was made clear they needed to go forward with the project and were given a commitment that Staff would make their best endeavor to get the application completed.

Commissioner Steve Brown commented the proposed plan would be good for the area and felt some changes should be made. He understood Staff's concerns and felt it was appropriate to continue the item to allow the meeting on the Development Agreement to take place.

Chairman Aston stated the applicant was requesting either an approval or denial. Mr. Lewis stated in this case a continuance was what the Attorney's Office and the Planning Staff was recommending to allow time for the Development Agreement to be completed.

Chairman Aston asked if the item were continued for two weeks, if the Development Agreement could be completed in that time frame. Mr. Lewis responded that Staff would like to present the completed site plan to Council and after it is approved, then the applicant could apply for the zoning and the AMP. That way everyone knows what has been

approved. He felt he would still have the same opinion in two weeks, even if there was a Development Agreement in final form, it should be approved by Council and he did not feel a two week continuance was enough time for that to happen.

Jory Stewart, Planning and Development Director stated Staff had been working diligently on the Development Agreement. A number of departments must review the terms of the amendments to the agreement as well as the original agreement. After Staff in the various departments had reviewed the amended agreement, it must be reviewed by the City Attorney's Office and she did not feel a two week continuance would give enough time.

Commissioner Shull stated he understood the problems with the Development Agreement not being complete but the applicant made it clear he wanted an approval or denial and asked the applicant if he would be willing to go for a continuance. Mr. Garcia confirmed he would like an approval or denial. He stated he felt this application was no different from a PUD and felt he was being penalized because he had a development agreement and asked that the application be forwarded to City Council.

Mr. Lewis stated it appeared Staff was not in favor of the plan presented and that was why moving forward at this time was not a good idea for Staff's ability to continue negotiating the plan with the developer. He pointed out, AMP's were not the type of application where concurrence must be received from the applicant in order to continue an item.

Mr. Garcia had an additional comment on this item. He stated it was his intent to continue, while changing the zoning for the remainder of the C-2. He stated it would be written in the Development Agreement that the buildings along Willis Street would be Professional Office. There would be no change from what was originally approved in terms of that restriction. Commissioner Brown stated if the zoning were left as Office, that would accomplish the purpose and was recommending denial of the change from Office to Community Commercial.

ACTION: DENIED

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

27. **UN-164-04 (18016) ANN & ALLEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KENNEDY COMMERCIAL, ON BEHALF OF ALIANTE COMMONS, LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT (SUPPER CLUB). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND ALLEN LANE. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-018. (CONTINUED DECEMBER 8, 2004)**

The application was presented by Marc Jordan, Planning Manager on behalf of Staff who indicated under the existing Development Agreement, gaming was not allowed and was strictly prohibited at this location. The applicant indicated in the letter of intent that the request was for the on-sale of liquor and gaming, but gaming could not be considered as part of the application and indicated Staff was recommending approval of UN-164-04 for a supper club only, subject to the following Conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, the use shall comply with all applicable codes and ordinances.
2. The development of this site shall comply fully with the Commercial Development Standards and Design Guidelines and the terms and conditions of the Ann-Allen Development Agreement.
3. An overall plan for the exterior design of buildings, landscaping, parking, and signage to be located within the commercial component of the Ann-Allen development shall be approved prior to the issuance of building permits for any pad development.
4. This "On-sale" Use Permit (UN-164-04) for a supper club is site-specific and non-transferable.
5. No building or other permits shall be issued prior to approval of an overall site plan for the entire Ann-Allen development.
6. This application shall comply with the approved conditions of the associated site plan for this commercial development.

George Garcia, G.C. Garcial, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant stating he would not debate the gaming issue as that was a development agreement issue and stated he would accept Staff's recommendation and discuss the gaming issue at the City Council level.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

28. **AMP-94-04 (17567) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, GRUBBS VELMA DUPREE ELLIS, SANDY ALLEN, NIMROD SMITH, ASCENCION GUTIERREZ, ROSARIO DIAZ AND MANUEL MARTINEZ, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VLDR VERY LOW DENSITY RESIDENTIAL TO LDR LOW DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COLEMAN STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-501-001 THRU 139-08-801-005, 139-08-501-007, 139-08-501-008, 139-08-501-009, 139-08-502-001 THRU 139-08-502-004, 139-08-502-007 THRU 139-08-502-009, AND 139-08-502-011. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of AMP-94-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase

agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

29. **ZN-113-04 (17565) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, GRUBBS VELMA DUPREE ELLIS, SANDY ALLEN, NIMROD SMITH, ASCENCION GUTIERREZ, ROSARIO DIAZ AND MANUEL MARTINEZ, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT (PRESERVATION AREA) TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COLEMAN STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-501-001 THRU 139-08-801-005, 139-08-501-007, 139-08-501-008, 139-08-501-009, 139-08-502-001 THRU 139-08-502-004, 139-08-502-007 THRU 139-08-502-009, AND 139-08-502-011. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of ZN-113-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

30. **AMP-95-04 (17573) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, ROBBIN S. MARTINDALE, ET. AL., AND FRIENDSHIP PARTNERS NUMBER TWO, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VLDR VERY LOW DENSITY RESIDENTIAL TO LDR LOW DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF COLEMAN STREET AND GILMORE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-602-001 THRU 139-08-602-005. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of AMP-95-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but

the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

31. **ZN-114-04 (17572) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, ROBBIN S. MARTINDALE, ET. AL., AND FRIENDSHIP PARTNERS NUMBER TWO, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT (PRESERVATION AREA) TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF COLEMAN STREET AND GILMORE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-602-001 THRU 139-08-602-005. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of ZN-114-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but the zoning was approved for R-1, the uses that had already been established under the

previous zoning designation would be considered legal non-conforming. They would be able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

32. **AMP-96-04 (17606) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VLDR VERY LOW DENSITY RESIDENTIAL TO LDR LOW DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF FUSELIER DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-08-601-008. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of AMP-96-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be

able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

33. **ZN-115-04 (17604) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT (PRESERVATION AREA) TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF FUSELIER DRIVE AND GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-08-601-008. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of ZN-115-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be

able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Cato

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

The wrong item was read into the record for the vote; another vote was taken.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

34. **AMP-97-04 (17607) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, MARGARET RAZACK, THE LIZOTTE FAMILY TRUST, AND LINCOLN DUNN, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF VLDR VERY LOW DENSITY RESIDENTIAL TO LDR LOW DENSITY RESIDENTIAL. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF SIMMONS STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-801-005, 139-05-801-006, 139-05-801-009, 139-05-802-007 AND 139-05-802-009. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of AMP-97-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

35. **ZN-116-04 (17609) VALENCIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALEX COLEMAN LLC, ON BEHALF OF ALEX COLEMAN LLC, MARGARET RAZACK, THE LIZOTTE FAMILY TRUST, AND LINCOLN DUNN, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT (PRESERVATION AREA) TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF SIMMONS STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-05-801-005, 139-05-801-006, 139-05-801-009, 139-05-802-007 AND 139-05-802-009. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

Item Nos. 28 through 35 were presented together.

The application was presented by Marc Jordan on behalf of Staff who stated approximately 51 acres were being considered as part of the applications. The area is located within a Ranch Estates Preservation District which was approved by Resolution No. 2016 on May 20, 1998. There are three Ranch Estate areas in the City and this one is the least developed. He stated Staff was not in support of this application and indicated Staff was recommending denial of ZN-116-04.

Dave Clapsaddle of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant. He stated it had taken them approximately a year and a half to accumulate 50 acres and they had no opposition to the plan. They had neighborhood meetings and at the last Planning Commission meeting, the only person who appeared at the meeting had submitted a letter stating they were in favor of the project. Mr. Clapsaddle stated the State statute regarding the Rural Preservation Areas had expired and felt the property was prime for R-1 development and asked for approval so they could move forward with an in-fill development that would be compatible with the surrounding area.

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

Elise Gutierrez, 2475 West Alexander Road, North Las Vegas, NV 89032 asked if the developer decided not to purchase her property, and it was rezoned, what the ramifications would be for them. Chairman Jay Aston asked Sr. Deputy City Attorney Jim Lewis if he could answer that question. Mr. Lewis responded not knowing what the purchase agreement reads and not knowing the terms of the sale, if the property were rezoned and then somehow the sale fell through, the rezoning would stand.

Jory Stewart, Planning and Development Director commented if the sale fell through, but

the zoning was approved for R-1, the uses that had already been established under the previous zoning designation would be considered legal non-conforming. They would be able to add additional livestock, expand their facility or even make certain improvements because they would fall under the non-conforming rules and regulations which would have its own set of complexities.

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked if in a situation like this, if a developer were to back out of the sale, if the person living on the property could ask for a rezoning back to Ranch Estates Preservation. Ms. Stewart responded they would need to amend the Comprehensive Plan and then ask for rezoning. It would be complex and quite expensive, but it could be done.

Commissioner Dean Leavitt asked Staff if the AMP were approved, if the curb and gutter situation around the park would need to be addressed. Mr. Jordan responded that was correct. Under the current Ranch Estates Preservation area, the park is not being built with full off-site improvements and, if the rezoning were approved, the City would need to re-evaluate the design of the park and there would be a cost to the City.

Mr. Clapsaddle stated they had not heard about the off-site improvements for the park and they would be glad to look into doing their fair share and continue to work with Staff between now and the Council Meeting to alleviate any concerns Staff has.

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

36. **T-1141 (17450) PALM & CRAIG. AN APPLICATION SUBMITTED BY MESA INVESTMENT, LLC, ON BEHALF OF LIED FOUNDATION TRUST, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 48 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE WEST SIDE OF REVERE STREET AND APPROXIMATELY 390 FEET SOUTH OF CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-701-002. (CONTINUED NOVEMBER 10, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a business interest.

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending that T-1141 be continued to allow the applicant to redesign the site to comply with the zoning ordinance and create lots that are 6,000 square feet with the sidewalks in the right-of-way; however, if the application is approved Staff recommends that T-1141 be 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. That documentation shall be provided indicating the perimeter landscaping along Home Depot Drive is allowed to encroach onto the private street.
3. That all sidewalk be located within the right-of-way.
4. That the emergency fire access/public utility easement also serve as pedestrian access and conform to Section 17.24.210.D.4.a.
5. 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.
6. Should the suspension of requirements (waiver) not be approved by the Planning Commission and/or City Council, the stub street shall be revised to 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.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.

8. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
9. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
10. The civil improvements shall include schedule 40 PVC fiber optic conduit along the project's Revere Street frontage.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. All common elements shall be labeled and are to be maintained by the Home Owners Association.
13. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
14. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
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 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.
18. Only emergency access will be permitted onto Yucca Palms Avenue from Home Depot Drive.
19. Yucca Palms Avenue shall terminate in a cul-de-sac or modified stub street or as otherwise approved by the City Traffic Engineer and the Fire Department.

Dean Rasmussen of Orion Engineering, 7391 Prairie Falcon Road, Suite 150, Las Vegas, NV 89128 appeared on behalf of the applicant stating he thought all details on the tentative map were worked out and asked Lenny Badger from Public Works if he had any comments on the application. Mr. Badger responded in the past, with private streets, the tendency had been to ignore the fact that they might be proposing alternative street widths. With a review of the ordinances, it became apparent that it was not being handled in the proper manner because the ordinance explicitly states that any deviation from the standards, states that private streets have a minimum of 40 feet and, in this case, they are proposing a width that is somewhat less. Mr. Rasmussen stated the width was 34.5 feet along the stub street. Mr. Badger stated it was a very short stub street at the end of the subdivision and Public Works felt that was not much of an issue but felt they needed to comply with the law.

Mr. Rasmussen explained the entire site met all ordinances regarding street widths. He stated the problem was with the stub street and they have agreed to go forward with the proper waiver process and were asking that T-1141 be approved with no variations, deviations with the condition that a waiver shall go forward to the Planning Commission and City Council for final adoption.

Chairman Aston asked the applicant if he had a chance to review the conditions listed in the memo dated January 12, 2005. Mr. Rasmussen responded he had not seen the conditions. Chairman Aston asked the applicant if he could work the details out with Staff in accordance with the conditions. Mr. Rasmussen responded he could work the details out with Staff.

Commissioner Dean Leavitt stated when the project was first brought before the Commission, they were told by Staff that Home Depot could not be used because it was a private street and asked Staff to explain why it was now okay. Robert Eastman explained Home Depot Drive was being used for emergency access only and emergency vehicles currently have access to Home Depot Drive.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

37. **AMP-108-04 (18251) CAMINO AL NORTE/RANCHO DEL NORTE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CAMINO AL NORTE PROPERTIES, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL TO MHDR MEDIUM-HIGH DENSITY RESIDENTIAL. THE PROPERTY IS LOCATED EAST OF CAMINO AL NORTE APPROXIMATELY 110 FEET SOUTH OF RANCHO DEL NORTE DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-34-410-011. (CONTINUED DECEMBER 22, 2004)**

The applicant requested continuance to February 9, 2005.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

38. **ZN-127-04 (18244) CAMINO AL NORTE/RANCHO DEL NORTE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CAMINO AL NORTE PROPERTIES, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM A PUD PLANNED UNIT DEVELOPMENT DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 146 TOWNHOMES. THE PROPERTY IS LOCATED EAST OF CAMINO AL NORTE APPROXIMATELY 110 FEET SOUTH OF RANCHO DEL NORTE DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-34-410-011. (CONTINUED DECEMBER 22, 2004)**

The applicant requested continuance to February 9, 2005.

Chairman Jay Aston opened the Public Hearing. There was no public participation.

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

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

39. **SPR-65-04 (18243) CAMINO AL NORTE/RANCHO DEL NORTE. AN APPLICATION SUBMITTED BY CAMINO AL NORTE PROPERTIES, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 146 TOWNHOMES. THE PROPERTY IS LOCATED EAST OF CAMINO AL NORTE APPROXIMATELY 110 FEET SOUTH OF RANCHO DEL NORTE DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-34-410-011. (CONTINUED DECEMBER 22, 2004)**

The applicant requested continuance to February 9, 2005.

ACTION: CONTINUED TO FEBRUARY 9, 2005

MOTION: Commissioner Leavitt

SECOND: Commissioner Trivedi

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

40. **FDP-29-04 (18200) NOVAK/AZURE. AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES, ON BEHALF OF GPA PARTNERS, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 78 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF AZURE AVENUE AND NOVAK STREET. THE ASSESSOR'S PARCEL NUMBER IS 123-29-101-007. (CONTINUED DECEMBER 22, 2004)**

The application was presented by Robert Eastman, Principal Planner on behalf of Staff who indicated Staff was recommending approval of FDP-29-04 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.
2. That the development shall comply with all conditions of approval for ZN-42-04 and T-1101.
3. The property owner is required to grant a pedestrian access easement for sidewalks within any common element.
4. The following recreation amenities shall be provided:
 - Circuitous lighted paths
 - A minimum of 20 24-inch box trees per acre
 - At least 2 differing age appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada
 - At least one large open space area for group / organized play
 - One large group shade area / gazebo (30' diameter), lighted
 - Picnic tables and barbecue grills
 - Benches spaced along park pathways
 - Details of amenities to be provided

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 recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Shull

SECOND: Commissioner Brown

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

41. **UN-155-04 (17746) TROPICAL POINT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GERALD GARAPICH ARCHITECT, ON BEHALF OF S.T.G.G. MANAGEMENT, PROPERTY OWNER, FOR A USE PERMIT IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (PROPOSED C-1 NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-25-301-013. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a personal financial interest.

Item Nos. 41 through 43 were presented together.

The application was presented by Robert Eastman on behalf of Staff. He referred to a memo dated January 12, 2005 and asked that Condition No. 6 be changed to read "Queuing for the car wash shall be as approved by the City Traffic Engineer" and indicated Staff was recommending approval of UN-155-04 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 proposed site plan and restaurant building shall comply with the commercial design standards, with the following exceptions: landscaping along the northern property line shall be reduced to ten feet adjacent to the parking areas; buildings may be oriented as proposed on the site plan; landscaping along Tropical Parkway and Ann Road shall be 15 feet with a 3 foot screen wall; and the sidewalk may be located adjacent to the curb without meandering.
3. 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.
4. This development must comply with the minimum requirements for the Fire Department turning radius regarding the proposed driveways.
5. 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*.
6. Queuing for the car wash shall be as approved by the City Traffic Engineer.

7. No queuing of vehicles in the drive aisles for the smog kiosk.
8. Adequate on site parking shall be provided for the use of the smog kiosk.
9. 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.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner is required to sign a restrictive covenant for utilities.
12. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
13. A revocable encroachment permit for landscaping within the public right of way is required.
14. Approval of a traffic study is required prior to submittal of the civil improvement plans.
15. This development shall comply with all conditions of the approved traffic study when approved.
16. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway and Ann Road.
17. The number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
18. Approval of a drainage study is required prior to submittal of the civil improvement plans.
19. 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.

Bill Curran of Curran and Parry, 300 South 4th Street, Las Vegas, NV 89102 appeared on behalf of the applicant and introduced Richard Gallegos, architect. Mr. Parry stated his

comments were for Item Nos. 41 through 43. He concurred with Staff recommendation and agreed with the change in Condition No. 6 and asked that Condition No. 3 be changed to read "All Nevada Power Company easements and poles must be shown. No poles shall be located outside of the landscape area", as the power poles are not on the property.

Richard Gallegos, 10 Commerce Center Drive, Henderson, NV 89014 stated the power pole on the west is outside of the boundary and about six inches of the other pole are on the property; but there is no need to relocate them.

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

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked Sr. Deputy City Attorney Jim Lewis how he felt about the requested change to Condition No. 3. Mr. Lewis responded he checked with the Public Works Department and felt they were okay with the change.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION AND CONDITION NOS. 3 AND 6 MODIFIED TO READ AS FOLLOWS:

3. All Nevada Power Company easements and poles must be shown. No poles shall be located outside of the landscape area.
6. Queuing for the car wash shall be approved by the City Traffic Engineer.

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

42. **UN-162-04 (17987) TROPICAL POINT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GERALD GARAPICH, ARCHITECT, ON BEHALF OF S.T.G.G. MANAGEMENT, PROPERTY OWNER, FOR A USE PERMIT IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (PROPOSED C-1 NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF TROPICAL PARKWAY AND ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-301-013. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a personal financial interest.

Item Nos. 41 through 43 were presented together.

The application was presented by Robert Eastman on behalf of Staff. He referred to a memo dated January 12, 2005 and asked that Condition No. 6 be changed to read "Queuing for the car wash shall be shall be as approved by the City Traffic Engineer" and indicated Staff was recommending approval of UN-162-04 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 proposed site plan and restaurant building shall comply with the commercial design standards, with the following exceptions: landscaping along the northern property line shall be reduced to ten feet adjacent to the parking areas; buildings may be oriented as proposed on the site plan; landscaping along Tropical Parkway and Ann Road shall be 15 feet with a 3 foot screen wall; and the sidewalk may be located adjacent to the curb without meandering.
3. 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.
4. This development must comply with the minimum requirements for the Fire Department turning radius regarding the proposed driveways.
5. 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*.

6. Queuing for the car wash shall be as approved by the City Traffic Engineer.
7. No queuing of vehicles in the drive aisles for the smog kiosk.
8. Adequate on site parking shall be provided for the use of the smog kiosk.
9. 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.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner is required to sign a restrictive covenant for utilities.
12. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
13. A revocable encroachment permit for landscaping within the public right of way is required.
14. Approval of a traffic study is required prior to submittal of the civil improvement plans.
15. This development shall comply with all conditions of the approved traffic study when approved.
16. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway and Ann Road.
17. The number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
18. Approval of a drainage study is required prior to submittal of the civil improvement plans.
19. 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.

Bill Curran of Curran and Parry, 300 South 4th Street, Las Vegas, NV 89102 appeared on behalf of the applicant and introduced Richard Gallegos, architect. Mr. Parry stated his comments were for Item Nos. 41 through 43. He concurred with Staff recommendation and agreed with the change in Condition No. 6 and asked that Condition No. 3 be changed to read "All Nevada Power Company easements and poles must be shown. No poles shall be located outside of the landscape area" as the power poles are not on the property.

Richard Gallegos, 10 Commerce Center Drive, Henderson, NV 89014 stated the power pole on the west is outside of the boundary and about six inches of the other pole are on the property; but there is no need to relocate them.

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

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked Sr. Deputy City Attorney Jim Lewis how he felt about the requested change to Condition No. 3. Mr. Lewis responded he checked with the Public Works Department and felt they were okay with the change.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION AND CONDITION NOS. 3 AND 6 MODIFIED TO READ AS FOLLOWS:

3. All Nevada Power Company easements and poles must be shown. No poles shall be located outside of the landscape area.
6. Queuing for the car wash shall be approved by the City Traffic Engineer.

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: Commissioner Shull

43. **UN-163-04 (17986) TROPICAL POINT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GERALD GARAPICH, ARCHITECT, ON BEHALF OF S.T.G.G. MANAGEMENT, PROPERTY OWNER, FOR A USE PERMIT IN AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (PROPOSED C-1 NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG CHECK KIOSK). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF TROPICAL PARKWAY AND ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-301-013. (CONTINUED DECEMBER 8 AND 22, 2004)**

Commissioner Harry Shull stated he would be abstaining on this item due to a personal financial interest.

Item Nos. 41 through 43 were presented together.

The application was presented by Robert Eastman on behalf of Staff. He referred to a memo dated January 12, 2005 and asked that Condition No. 6 be changed to read "Queuing for the car wash shall be as approved by the City Traffic Engineer" and indicated Staff was recommending approval of UN-163-04 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 proposed site plan and restaurant building shall comply with the commercial design standards, with the following exceptions: landscaping along the northern property line shall be reduced to ten feet adjacent to the parking areas; buildings may be oriented as proposed on the site plan; landscaping along Tropical Parkway and Ann Road shall be 15 feet with a 3 foot screen wall; and the sidewalk may be located adjacent to the curb without meandering.
3. 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.
4. This development must comply with the minimum requirements for the Fire Department turning radius regarding the proposed driveways.
5. 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*.

6. Queuing for the car wash shall be as approved by the City Traffic Engineer.
7. No queuing of vehicles in the drive aisles for the smog kiosk.
8. Adequate on site parking shall be provided for the use of the smog kiosk.
9. 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.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner is required to sign a restrictive covenant for utilities.
12. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
13. A revocable encroachment permit for landscaping within the public right of way is required.
14. Approval of a traffic study is required prior to submittal of the civil improvement plans.
15. This development shall comply with all conditions of the approved traffic study when approved.
16. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway and Ann Road.
17. The number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
18. Approval of a drainage study is required prior to submittal of the civil improvement plans.
19. 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.

Bill Curran of Curran and Parry, 300 South 4th Street, Las Vegas, NV 89102 appeared on behalf of the applicant and introduced Richard Gallegos, architect. Mr. Parry stated his comments were for Item Nos. 41 through 43. He concurred with Staff recommendation and agreed with the change in Condition No. 6 and asked that Condition No. 3 be changed to read "All Nevada Power Company easements and poles must be shown. No poles shall be located outside of the landscape area" as the power poles are not on the property.

Richard Gallegos, 10 Commerce Center Drive, Henderson, NV 89014 stated the power pole on the west is outside of the boundary and about six inches of the other pole are on the property; but there is no need to relocate them.

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

Chairman Aston closed the Public Hearing.

Commissioner Steve Brown asked Sr. Deputy City Attorney Jim Lewis how he felt about the requested change to Condition No. 3. Mr. Lewis responded he checked with the Public Works Department and felt they were okay with the change.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH CONDITION NOS. 3 AND 6 MODIFIED TO READ AS FOLLOWS:

3. All Nevada Power Company easements and poles must be shown. No poles shall be located outside of the landscape area.
6. Queuing for the car wash shall be approved by the City Traffic Engineer.

MOTION: Commissioner Leavitt

SECOND: Chairman Aston

AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Brown, Trivedi, and Carvalho

NAYS: None

ABSTAIN: None

44. **FDP-26-04 (18009) VENTANA @ SIERRA MONTANA. AN APPLICATION SUBMITTED BY BEAZER HOMES, ON BEHALF OF ROZEN ARTHUR TRUST ET. AL., PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 55 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF COMMERCE STREET AND ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-27-401-007. (CONTINUED DECEMBER 8 AND 22, 2004)**

The application was presented by Bob Hoyes, Planner on behalf of Staff who indicated Staff was recommending FDP-26-04 be continued until after City Council had taken action on the rezoning. If the Commission desires to approve FDP-26-04, Staff recommends approval with the addition of Condition No. 3 to read "A minimum of two means of Fire Department access are required in accordance with Fire Code requirements":

1. That the development of this site be in compliance with all conditions of ZN-26-03 and T-991.
2. That site plan approval is not implied or granted per this action. Changes will be required prior to this final development plan being in compliance with all applicable codes and ordinances.
3. A minimum of two means of Fire Department access are required in accordance with Fire Code requirements.

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 recommendation.

Chairman Jay Aston asked Staff if they were approving the Final Development Plan. Bob Hoyes, Planner responded that was correct. This Final Development Plan would not be in compliance and they would have to essentially submit a Final Development Plan that would be in compliance. Chairman Aston asked if this item were approved based on the conditions, and there were changes made at Council level, if a Final Development Plan would need to come back before the Planning Commission. Mr. Hoyes responded that was correct.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION WITH THE ADDITION OF CONDITION NO. 3 AS READ INTO THE RECORD

MOTION: Commissioner Leavitt
SECOND: Commissioner Shull
AYES: Chairman Aston, Vice-Chairman Cato, Commissioners Leavitt, Shull, Brown,
Trivedi, and Carvalho
NAYS: None
ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning and Zoning Director Jory Stewart handed out information on a seminar for Planning Commissioners to consider attending.

CHAIRMAN'S BUSINESS

No report given

ADJOURNMENT

The meeting adjourned at 11:18 p.m.

APPROVED: February 9, 2005

/s/ Jay Aston
Jay Aston, Chairman

/s/ Jo Ann Lawrence
Jo Ann Lawrence, Recording Secretary