

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

July 13, 2011

BRIEFING: 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

WELCOME: Chairman Dilip Trivedi

ROLL CALL: Chairman Dilip Trivedi - Present
Vice-Chairman Steve Brown - Present
Commissioner Dean Leavitt - Present
Commissioner Jay Aston - Present
Commissioner Laura Perkins - Present

STAFF PRESENT: Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Carolyn White, Police Department
Madeleine Jabbour, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Vice-Chairman Steve Brown

ELECTION OF PLANNING COMMISSION OFFICERS

ACTION: COMMISSIONER STEVE BROWN NOMINATED AS CHAIRMAN

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

AYES: Commissioners Leavitt, Aston, Brown, Trivedi and Perkins

NAYS: None

ABSTAIN: None

ACTION: COMMISSIONER DILIP TRIVEDI NOMINATED AS VICE-CHAIRMAN

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Commissioners Trivedi, Leavitt, Aston and Perkins

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF APRIL 27, 2011.**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF MAY 11, 2011.**

Marc Jordan, Planning Manager explained there was an error in the minutes for Item No. 12, SPR-05-11, which was a waiver of the sign criteria for the ARCO AM/PM at Decatur Boulevard and Tropical Parkway. The item was approved and the minutes should reflect that Condition No. 4.C was added to read: "Shall be installed, at a minimum, at the south side of the entrance, to be determined by Staff."

ACTION: APPROVED WITH THE MOTION FOR ITEM NO. 12 AMENDED TO READ:

APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 6 AND CONDITION NO. 4.C ADDED TO READ:

4.C. SHALL BE INSTALLED, AT A MINIMUM, AT THE SOUTH SIDE OF THE ENTRANCE, TO BE DETERMINED BY STAFF.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF JUNE 8, 2011.**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Trivedi, Commissioners Leavitt, and Aston

NAYS: None

ABSTAIN: Chairman Brown and Commissioner Perkins

Item No. 22 through 27 were heard next.

NEW BUSINESS

1. **UN-48-11 (43276) DOX VEI (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MIGUEL A. GONZALEZ ON BEHALF OF JACQUELINE SPINNER, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 101 WEST BROOKS AVENUE, SUITES A, B AND C. THE ASSESSOR'S PARCEL NUMBER IS 139-15-601-001.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to occupy slightly over 2800 square feet of the building, which was 12,600 square feet. The building was originally built for office warehouse uses and the parking was developed under the office and warehouse standards. There was a companion item, Item No. 2, which was a different use permit for a church, but located within the same building. When taken together, both churches would require 52 parking spaces per code and the entire site contained 32 spaces, so the site was under parked and staff had concerns the proposed use would create a negative impact on the surrounding industrial uses. Other churches previously approved had always been located along the edges of the industrial areas. Staff had serious concerns the churches in the proposed location, being in the middle of the industrial areas, could create a negative impact on industrial development surrounding the site and also the neighboring industrial uses would create a negative impact on any parishioners on the site and there were some serious safety concerns. For those reasons, staff was recommending denial of UN-48-11.

Luis Carlos Aguirre, 5069 Lancaster Drive, appeared on the application asking for approval so they could do tenant improvements.

Chairman Steve Brown explained due to the lack of parking and because the location was in an industrial area, Staff was recommending denial of the application.

Mr. Aguirre stated he had already signed a one year lease for the building.

Commissioner Jay Aston agreed with Staff recommendation, because it could cause an application for an industrial use to be denied, which was what the area was zoned for and did not want to jeopardize the growth of an industrial complex.

Mr. Aguirre explained most of the buildings in the center were currently empty due to the economy and approximately 50% of the buildings in the City were currently empty.

Commissioner Aston agreed with the applicant, but felt the use was not appropriate in an industrial complex.

Mr. Aguirre explained their church services were not held at the same time as the church in Item No. 2, so the parking would not be a problem. They had 25 to 30 vehicles parked during a service.

Carlos, Chaplain, 101 Brooks Avenue explained they were trying to help disadvantaged families in the area.

Commissioner Laura Perkins agreed with comments made by Commissioner Aston and did not have an easy time denying a use for a church, but the area was not suitable, as the proposed site was located less than 1500 feet from a use that stored ammonia. Also, when she drove the area, she noticed there was not sufficient parking.

Commissioner Dean Leavitt agreed with comments made by Commissioners Aston and Perkins and was opposed to the application due to safety concerns.

Vice-Chairman Dilip Trivedi concurred with other Commissioners' comments and suggested the applicant find a more suitable location.

Chairman Brown explained when a use permit was granted, it stayed with the property for as long as it was being used, so it had to be viewed as a long-term use and because the site was in the middle of an industrial area and due to the safety concerns and parking issues, it was not a suitable location for a church.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: DENIED

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

2. UN-49-11 (43277) KEDESH HOUSE OF REFUGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PASTOR GLENDA BURNS ON BEHALF OF JACQUELINE SPINNER, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 101 WEST BROOKS AVENUE, SUITE H. THE ASSESSOR'S PARCEL NUMBER IS 139-15-601-001.

The application was presented by Robert Eastman, Principal Planner who explained this application was similar to Item No 1. The use was for a church in an industrial center. Comments from item No. 1 were carried forward as follows:

The building was originally built for office warehouse uses and the parking was developed under the office and warehouse standards. There was a companion item, Item No. 2, which was a different use permit for a church, but located within the same building. When taken together, both churches would require 52 parking spaces per code and the entire site contained 32 spaces, so the site was under parked and staff had concerns the proposed use would create a negative impact on the surrounding industrial uses. Other churches previously approved had always been located along the edges of the industrial areas. Staff had serious concerns the churches in the proposed location, being in the middle of the industrial areas, could create a negative impact on industrial development surrounding the site and also the neighboring industrial uses would create a negative impact on any parishioners on the site and there were some serious safety concerns. For those reasons, staff was recommending denial of UN-48-11.

Staff was recommending denial of UN-49-11 for the reasons stated above.

Pastor Glenda Burns, 6551 McCarron Street #2074, North Las Vegas, NV 89086 appeared on the application explaining they were a small church and there was no traffic in the center on weekends and there were no trucks on Sunday. She also did not know there were chemicals stored in the area. She understood what the Commission was saying, but the owner did not tell them about the chemicals and, as for the parking, they did not have many members, so it should not be a problem.

Chairman Steve Brown asked that the Commission's comments from Item No. 1 be carried forward as follows:

Chairman Steve Brown explained due to the lack of parking and because the location was in an industrial area, Staff was recommending denial of the application.

Mr. Aguirre stated he had already signed a one year lease for the building.

Commissioner Jay Aston agreed with Staff recommendation, because it could cause an application for an industrial use to be denied, which was what the area was zoned for and did not want to jeopardize the growth of an industrial complex.

Mr. Aguirre explained most of the buildings in the center were currently empty and due to the economy, approximately 50% of the buildings in the City were currently empty.

Commissioner Aston agreed with the applicant, but felt the use was not appropriate in an industrial complex.

Mr. Aguirre explained their church services were not held at the same time as the church in Item No. 2, so the parking would not be a problem. They had 25 to 30 vehicles parked during a service.

Carlos, Chaplain, 101 Brooks Avenue explained they were trying to help disadvantaged families in the area.

Commissioner Laura Perkins agreed with comments made by Commissioner Aston and did not have an easy time denying a use for a church, but the area was not suitable as the proposed site was located less than 1500 feet from a use that stored ammonia. Also, when she drove the area, she noticed there was not sufficient parking.

Commissioner Dean Leavitt agreed with comments made by Commissioners Aston and Perkins and was opposed to the application due to safety concerns.

Vice-Chairman Dilip Trivedi concurred with other Commissioners' comments and suggested the applicant find a more suitable location.

Chairman Brown explained when a use permit was granted, it stayed with the property for as long as it was being used, so it had to be viewed as a long-term use and because the site was in the middle of an industrial area and due to the safety concerns and parking issues, it was not a suitable location for a church.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: DENIED

MOTION: Commissioner Aston

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: None

3. **UN-53-11 (43284) HERNANDEZ RESIDENTIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MIGUEL HERNANDEZ, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO ALLOW A GARAGE CONVERSION. THE PROPERTY IS LOCATED AT 3409 LILLIS CIRCLE. THE ASSESSOR'S PARCEL NUMBER IS 139-24-512-024.**

The application was presented by Robert Eastman Principal Planner who explained the applicant was requesting to be allowed to convert their existing garage into living space and have complied and provided the required documentation showing three similar properties within 300 feet of the proposed location. The proposed garage conversion would comply with the design standards of the neighborhood and would be compatible with the home; therefore, Staff was recommending approval of UN-53-11 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Single-Family Design Guidelines.
2. A twenty-foot wide driveway must be provided to meet the off-street parking requirements.
3. The existing garage converted to habitable dwelling space shall conform with all the requirements of IRC 2009. The new addition shall be conditioned, insulated, and all the requirements of UMC 2009, UPC 2009, and NEC 2008.

Mark Wood, 2655 Ocatuba, Las Vegas, NV appeared on behalf of the applicant explaining the home was being remodeled and there were three remaining parking spaces on the property and concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston clarified one of the conditions was to have at least a 20 foot wide driveway and asked Mr. Wood if he agreed to the conditions.

Mr. Wood indicated he agreed to put in a 20 foot wide driveway.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston and Perkins
NAYS: None
ABSTAIN: None

4. UN-56-11 (43289) LONGLIFE CARCARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY EDWARD RIVERA ON BEHALF OF CRAIG ROAD BUSINESS CENTER, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 4550 DONOVAN WAY, SUITE 122. THE ASSESSOR'S PARCEL NUMBER IS 139-01-611-009.

The application was presented by Robert Eastman, Principal Planner who explained the use was within the M-2 general industrial district. A similar use was approved in 2006, UN-33-06, for another auto repair facility at the same location, but within a different suite. The site has adequate parking for the proposed use and was compatible with the existing neighborhood and Staff was recommending approval of UN-56-11 subject to the conditions listed, one of which was that landscaping along Donovan Way be updated and comply with the 60% ground coverage. The recommended conditions for approval are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Perimeter landscaping adjacent to Donovan Way and the north and south property lines shall be cleaned up to remove all dead plants and weeds. In addition, this area shall be enhanced with additional plant materials to provide a 60% ground coverage, and decorative rock shall be provided in all other areas. A landscaping plan shall be submitted to staff for review and approval and such materials installed prior to issuance of a business license.
3. That all work shall be performed within the building.
4. Prior to issuance of the business license, a traffic study update must be submitted to Public Works, Traffic Engineering for review and approval.

Edward Rivera, 3429 Mirada Heights, North Las Vegas, NV appeared on the application indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston and Perkins
NAYS: None
ABSTAIN: None

5. **UN-36-03 (43228) COAST HOTEL & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COAST HOTEL & CASINOS, INC., PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW A CASINO/HOTEL AND TO ALLOW A BUILDING TO EXCEED THE MAXIMUM BUILDING HEIGHT OF 60 FEET (APPROXIMATELY 190 FEET). THE PROPERTY IS LOCATED AT 4205 EAST CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 123-30-501-008.**

The application was presented by Robert Eastman, Principal Planner who explained the use was previously approved in 2003 and extensions of time had been granted previously and the applicant was requesting a fourth extension of time. The site plan and the building elevation were the same as previously approved and the neighborhood had not substantially changed from the last extension of time; therefore, Staff was recommending approval of UN-36-03 subject to the original conditions with Condition No. 20 amended to reflect the new expiration date of June 28, 2013. The conditions of approval are as follows:

1. That approval of a traffic study is required prior to submittal of the civil improvement plans; and
2. That approval of a drainage study is required prior to submittal of the civil improvement plans; and
3. That Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans; and
4. That driveway number and location 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 17.24.130. Conformance may require modifications to the site; and
5. That a water network analysis must be submitted with the civil improvement plans; and
6. That 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; and
7. That the following right of way dedications are required, unless deemed otherwise by the City's Traffic Engineer:
 - a. Sixty feet (60.0') for Lamb Boulevard;
 - b. Thirty feet (30.00') for Azure Avenue;

- c. Additional right of way for the flared intersection at Centennial Parkway and Lamb Boulevard per the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 201.1;
 - d. Bus turn out on Lamb Boulevard near Centennial Parkway; and
8. That the development of this site be in compliance with the Commercial Development Standards and Design Guidelines, with the exception of the building orientation/placement, whereby the principal structure may be located as identified on the site plan; and
9. That the development of this site be in compliance with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. A minimum twenty feet (20.00') of landscaping shall be provided between all on-site parking areas and/or drive aisles, and the rights-of-way for Centennial Parkway, Lamb Boulevard and Azure Avenue, except where there is a required dedication for a bus turn-out; and
 - b. A berm or two-sided decorative wall measuring three feet (3.00') in height, as measured from the on-site parking lot / drive aisle grade, shall be provided between all on-site parking lot / drive aisles and the abutting rights-of-way for Centennial Parkway, Lamb Boulevard and Azure Avenue; and
10. That the hotel / tower structure(s) be designed and constructed to support wireless communications facilities; and
11. That the most direct route as is reasonable shall be provided from outside to the movie theaters; and
12. That signage be permitted in accordance with the following:
 - a. That one 60-foot (maximum) sign be permitted along Centennial Parkway in the immediate vicinity of the second (i.e., main) entrance, as identified on the site plan; and
 - b. That one 60-foot (maximum) sign be permitted along Lamb Boulevard in the immediate vicinity of the southern (i.e., main) entrance, as identified on the site plan; and
 - c. That all other free-standing signage be limited to monument signs not taller than eight feet (8.00'); and
13. That the parking structure be constructed as part of the first phase of development; and

14. That the west side of the parking structure shall include, but not be limited to, Conditions A through C:
 - a. One continuous landscape planter along the exterior side(s) of the ramp(s) shall be provided; and
 - b. The landscape planters shall be a minimum four feet (4.00') in width (inside-to-inside); and
 - c. The planting materials within the planters shall provide 100% coverage and are encouraged to "spill-over" the exterior sides; and
15. That a minimum thirty feet (30.00') of landscaping be provided along the western property line. The landscape area shall include two rows of 36-inch box trees spaced not greater than 25 feet on-center. The rows shall be staggered with centers equally offset and one of the rows shall be planted upon a berm. The berm shall be a minimum four feet (4.00') in height, as measured from the adjacent drive aisle. The trees shall be of an evergreen variety/species that provides for maximum screening. The required trees shall be in addition to other required landscape materials; and
16. That all structures shall recognize a minimum 90-foot (90.00') setback from the southern and western property lines; and
17. That a minimum 12-plex theater be provided as part of the first phase of development; and
18. That a minimum 64-lane bowling alley be provided as part of the first phase of development; and
19. That the height of the principal structure shall not exceed 190 feet; and
20. That UN-36-03 shall expire on June 28, 2013; and
21. That a recessed loading dock, as depicted on the elevations, shall be included; and
22. That 30,000 square feet of independent meeting rooms and/or convention space be provided similar to those facilities provided at the Sun Coast Hotel and Casino; and
23. That a minimum two (2) palm trees per section shall be planted adjacent to the north side of the parking structure. A "section" shall be generally defined by the support columns, which are approximately 39 feet apart (on-centers.) Said palm

trees shall be a minimum 22 feet tall, from the top of the root ball to the bottom of the fronds. The north side of the parking structure currently has four “sections” identified on the plans; and

24. That a minimum one (1) palm tree for every two (2) sections shall be planted adjacent to the west side of the parking structure. A “section” shall be generally defined by the support columns (minus the ramp,) which are approximately 18 feet apart (on-centers.) Said palm trees shall be a minimum 22 feet tall, from the top of the root ball to the bottom of the fronds. The west side of the parking structure currently has 31 “sections” identified on the plans; and
25. That a minimum three (3) additional decorative panels, “A” or “B”, be added to the north side of the parking structure. The panels may be located at the owner’s discretion. Currently, there are 10 decorative panels identified on the plans; and
26. That a minimum six (6) additional decorative panels, “A” or “B”, be added to the west side of the parking structure. The panels may be located at the owner’s discretion. Currently, there are 13 decorative panels identified on the plans.

Bob Gronauer of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

6. **UN-43-11 (43198) ALIANTE MARKETPLACE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SEV ENTERPRISE DBA ROCCO'S NEW YORK PIZZERIA ON BEHALF OF ALIANTE MARKETPLACE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC/C-2, MASTER PLANNED COMMUNITY/GENERAL COMMERCIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (BEER-WINE-SPIRIT-BASED PRODUCTS). THE PROPERTY IS LOCATED AT 6885 ALIANTE PARKWAY, SUITE 109. THE ASSESSOR'S PARCEL NUMBER IS 124-20-612-012.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing the "on-sale" of beer and wine to the menu in an existing restaurant. The location was within a food court area within the shopping center and the use was appropriate at the proposed location and Staff was recommending approval of UN-43-11 subject to the following condition:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

Robert Viccica, 8925 Prickling Springs Court, Las Vegas, NV 89149 appeared on the application indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

7. UN-44-11 (43231) WILLIE H. BROOKS SOAR ACADEMY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIE H. BROOKS SOAR ACADEMY ON BEHALF OF ZION UNITED METHODIST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO ALLOW A SCHOOL. THE PROPERTY IS LOCATED AT 2108 NORTH REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-22-201-001.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to convert the existing accessory building, which was previously used as a daycare and for Sunday school purposes and converted into a charter school. Initially, the charter school was just for young men or boys of middle school and junior high age and the applicant was planning to open the school in the Fall. The site and building were originally built in the 1970's and had been amended a few times since. In general, it was in compliance with the Design Standards. There were some differences due to the building's age that were currently not in compliance; however, they do match the existing building and Staff was not asking that those be amended. The landscaping along Revere Avenue and Gilday Street range in width between 10 feet and 64 feet. In some areas, the landscaping was not in compliance with the Design Standards and Staff was requesting that additional landscaping be provided to enhance the street scape. The church has 131 off-street parking spaces and the proposed school would only need 80, so parking was adequate on the site; however, parking lot landscaping was currently not provided and a waiver was required for the parking lot landscaping. Because of the parking not being amended, Staff was supporting the waiver and felt updating of the landscaping along the street scape would be sufficient. Staff was recommending approval of UN-44-11 and that the application be forwarded to City Council for final consideration with 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; including landscaping along Gilday Avenue and Revere Street, with the following exceptions:
 - a. Parking lot landscaping is not required.
 - b. The school can be developed as presented within the submitted Building Elevations.
2. Prior to issuance of the business license / certificate of occupancy, a traffic study must be submitted to Public Works, Traffic Engineering for review and approval.

Tami Bass, 325 South Third Street #1-285, Las Vegas, NV 89101 appeared on the application indicating she concurred with Staff recommendation. She explained this was the first single-gendered school in the State of Nevada and would bode well for North Las Vegas. There would be approximately 15 staff members and would have at least 250 sixth grade students.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

8. **UN-57-11 (43291) SPEC CHEM (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SPEC CHEM ON BEHALF OF MELTON & KATHERINE L. BACON, TRUST, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONCRETE BATCH PLANT. THE PROPERTY IS LOCATED AT 3930 EAST LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-31-801-007.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed site was previously used for stone and the applicant proposed to convert it to a concrete batch plant and would be adding a number of silos for the storage of powders used to create concrete. The site was in compliance with the Design Standards and there was adequate parking. Staff was recommending approval of UN-57-11 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. Prior to issuance of the business license / certificate of occupancy, a traffic study must be submitted to Public Works, Traffic Engineering for review and approval.

? Christopherson, 1200 South Fourth Street, Las Vegas, NV 89101 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

- **Brad Goldren, 12700 Biscaine Boulevard, Miami, FA 33181** was opposed to the use as it would create a great amount of dust in the area. When the business operated previously there was a huge amount of dust in the area and the concrete trucks also ruined Mitchell Street, which had to be re-paved. Allowing the use would make it difficult to get new tenants.

Mr. Christopherson explained the use would have to comply with the dust requirements and if there was a problem, it could be reported to the Clark County Health District.

Vice-Chairman Dilip Trivedi asked Mr. Goldren what type of business he had.

Mr. Goldren responded he owned approximately 250,000 square feet of industrial space, which was leased to tenants and had been at that location since 1988.

Vice-Chairman Trivedi explained the use was industrial and was located in an M-2 zoned area.

Mr. Goldren understood, but felt there were more suitable locations.

Vice-Chairman Trivedi asked the applicant what measures they had taken to mitigate the dust.

Mr. Christopherson explained one of the silos was located inside the building, which was where the mixing would occur and the applicant was taking measures to comply with the dust requirements.

Commissioner Jay Aston asked if the applicant would entertain a continuance to gather more information regarding the dust control measures.

Mr. Christopherson responded he would be willing to continue the application, but reminded the Commission the use was in an M-2 District, which allowed the type of use the applicant was applying for.

Chairman Steve Brown understood the dust concerns, but the dust and air quality were not part of the Commission's discretion for approval or denial. The Commission was to determine land use and it was up to the applicant to build something that did not contaminate the air, soils, water, etc. and the applicant would be responsible to comply with the law.

Vice-Chairman Trivedi asked the applicant what could be done to be a good neighbor.

Mr. Christopherson responded the design of the plan was so that half of the operation was located inside the building, which would help the dust problem.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

9. UN-50-11 (43278) VCA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DEBRA BALL ON BEHALF OF GERALDINE ANN MELDRUM, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR RECREATION FACILITY (CHEER TRAINING FACILITY). THE PROPERTY IS LOCATED AT 3630 NORTH 5TH STREET, SUITES 100 & 110. THE ASSESSOR'S PARCEL NUMBER IS 139-11-201-003.

The application was presented by Marc Jordan, Planning Manager who explained the site was currently developed with six buildings with about 16,000 square feet. The site was over-parked with 283 parking spaces where 140 were required. The applicant indicated they would probably have 50 participants on site at any one time; therefore, it appeared they were meeting the parking requirements. Two cards were received in support of the application. Staff was recommending approval of UN-50-11 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 UN-50-11 is site-specific and non-transferable. Any future expansion to the use will require further consideration and approval by the Planning Commission.
3. That all associated activities take place within the building.
4. That the maximum occupancy (i.e., patrons, employees, spectators) of these two suites shall not exceed 80 people, unless the applicant demonstrates with a parking study or lease agreement that additional occupancy can be accommodated based on one parking space for every four occupants. The parking study, if submitted, shall be prepared and stamped by a Nevada-licensed professional certified to prepare said study. The applicant shall provide evidence of parking compliance and record a Reciprocal Parking Agreement prior to the issuance of a Certificate of Occupancy.

Debra Ball, 310 North Phyllis Street, Las Vegas, NV 89110 and Lisa Golden, 5870 Aucland Drive, Las Vegas, NV 89110 appeared on the application. Ms. Golden stated she concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins was in support of the application and felt the location was appropriate as it was close to several schools.

Vice-Chairman Dilip Trivedi was in support of the application and asked how many vacant spaces there were.

Ms. Golden responded there were approximately six tenants, who were located in the rear of the building.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

10. UN-52-11 (43285) ARISTOCRAT FOCUS II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAVID DOUGLAS ON BEHALF OF 3853 LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR RECREATION FACILITY (MARTIAL ARTS). THE PROPERTY IS LOCATED AT 3853 EAST CRAIG ROAD, SUITE 11. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-032.

The application was presented by Marc Jordan, Planning Manager who explained the property was developed with two buildings that were approximately 60,000 square feet; however, based on the parking requirements, four occupants per space, the applicant would be allowed to have 16 persons on site at any one time. The applicant indicated they would also have a small amount of retail sales as part of the use, which Staff would consider accessory to the use. Staff was recommending approval of UN-52-11 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 ordinance.
2. That UN-52-11 is site-specific and non-transferable. Any future expansion to the use will require further consideration and approval by the Planning Commission.
3. That all associated activities take place within the building.
4. That the maximum occupancy (i.e., patrons, employees, spectators) of the unit shall not exceed 16 people, unless the applicant demonstrates with a parking study that additional occupancy can be accommodated based on one parking space for every four occupants. The parking study shall be prepared and stamped by a Nevada-licensed professional certified to prepare said study. The applicant shall provide evidence of parking compliance and record a Reciprocal Parking Agreement prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a business license or certificate of occupancy, a traffic study update must be submitted to Public Works, Traffic Engineer for review and approval.

The applicant was not available for comment.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins asked if the applicant would be required to make costly improvements, which would make it ineffective.

Commissioner Aston pointed out there were only five conditions of approval.

Chairman Brown explained if the application was controversial or if Staff was recommending denial, he would suggest the application be continued, but since they were recommending approval, he would entertain a motion.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

11. **UN-54-11 (43286) BRAZZ BALLZ #1 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROBERT T. MARBURY III ON BEHALF OF 3853 LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR RECREATION FACILITY WITH VARIOUS RECREATIONAL ACTIVITIES. THE PROPERTY IS LOCATED AT 3853 EAST CRAIG ROAD, SUITE 7. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-032.**

The application was presented Marc Jordan, Planning Manager who explained the applicant indicated they would be doing indoor recreational activities that would include slot cars, air gun target shooting and various other types of activities. There would also be some indoor retail sales, which would be considered accessory to the use. The site was constrained on parking, so the occupancy would be limited to 16 unless a parking study was submitted which would allow an increase. Staff was recommending approval of UN-54-11 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 ordinance.
2. That UN-54-11 is site-specific and non-transferable. Any future expansion to the use will require further consideration and approval by the Planning Commission.
3. That all associated activities take place within the building.
4. That the maximum occupancy (i.e., patrons, employees, spectators) of the unit shall not exceed 16 people, unless the applicant demonstrates with a parking study that additional occupancy can be accommodated based on one parking space for every four occupants. The parking study shall be prepared and stamped by a Nevada-licensed professional certified to prepare said study. The applicant shall provide evidence of parking compliance and record a Reciprocal Parking Agreement prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a business license or certificate of occupancy, a traffic study update must be submitted to Public Works, Traffic Engineer for review and approval.

The following comments were carried forward from Item No. 10:

Commissioner Laura Perkins asked if the applicant would be required to make costly improvements, which would make it ineffective.

Commissioner Aston pointed out there were only five conditions of approval.

Chairman Brown explained if the application was controversial or if Staff was recommending denial, he would suggest the application be continued, but since they were recommending approval, he would entertain a motion.

Robert Marbury, 4502 Rolls Royce, North Las Vegas, NV and Fred Douglas, 4222 Losee Road, North Las Vegas, NV. Mr. Marbury felt the occupancy load of 16 was perfect, as they did not anticipate having more than 10 people at any one time and concurred with Staff recommendation.

Commissioner Dean Leavitt was in support of the use.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None

12. UN-46-11 (43268) ANN DECATUR MARKET PLACE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY XIU QIN LI ON BEHALF OF DECATUR CROSSING LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A MASSAGE ESTABLISHMENT (REFLEXOLOGY). THE PROPERTY IS LOCATED AT 4770 ANN ROAD, SUITE 3. THE ASSESSOR'S PARCEL NUMBER IS 124-30-401-024.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy approximately 1100 square feet of the shopping center and Staff had no objection and was recommending approval of UN-46-11 subject to the following condition:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

De Peng, 6475 South Rainbow Boulevard #102, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dilip Trivedi was in support of the use and asked if there were restrictions on the hours of operation.

Mr. Jordan responded there were no time restrictions.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

13. UN-47-11 (43274) CENTENNIAL PLAZA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AT&T WIRELESS ON BEHALF OF SIMMONS II LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN 80-FOOT TELECOMMUNICATION TOWER. THE PROPERTY IS LOCATED AT 2805 WEST CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-29-513-006.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop a tower on an undeveloped parcel located in the center of the commercial center that was behind retail buildings that front Centennial Parkway and Simmons Street. They were proposing to locate the tower on the west side of the undeveloped parcel. With the application, the applicant also requested the Commission to approve a waiver to allow a separation of approximately 450 feet where 750 was normally required between two cell towers. There was an existing cell tower located to the east on property that was developed as a mini warehouse; however, the applicant indicated with the type of antenna array, which was a full array being proposed, would not be able to be installed on the existing tower, as it was a slim-line design. The applicant submitted the necessary affidavits for review and it appeared they were exceeding the setback requirements from residential to the south and there was also residential to the east. Staff was recommending approval of UN-47-11 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 the tower shall be a stealth monopalm design.
3. That the tower shall not exceed 80 feet in height measured from the top of fronds of the proposed stealth monopalm tower.
4. That the proposed eight (8) foot cmu enclosure shall be constructed with a block wall that is decorative and complies with Title 17 requirements.

Doug Munson, PO Box 55 Poway, CA 92064 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

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

14. UN-86-01 (43241) TAVERN AT CENTENNIAL & LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CENTENNIAL 2010 LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (RESTRICTED GAMING LIQUOR). THE PROPERTY IS LOCATED AT 6412 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-24-414-005.

The application was presented by Marc Jordan, Planning Manager who explained the application was for an extension of time for an existing special use permit, which was approved for the on-sale of alcoholic beverages in conjunction with a tavern in 2001. Since that time, the ordinance has been amended; therefore, it would fall under a restricted gaming establishment. Several extensions of time have been approved by the Commission and City Council. The facility was constructed in approximately 2008 and opened and operated as Shays Bar and Grill, which went out of business as of January 25, 2011. Under the current Zoning Ordinance, any time an existing use was closed, the use permit was still valid for six months; therefore, this use would normally expire July 25, 2011. The applicant was requesting a two year extension of time to allow them to market the use and find a tenant. In reviewing the application, Staff had no objection to the extension of time; however, were not supporting a two year extension, as they were normally supported for the original length of the use permit, which in this case was six months, but the ordinance had changed and on-sale establishments were now allowed one year to fulfill the conditions of approval and start construction. Staff was recommending approval of UN-86-01 for a one year extension of time with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The extension of time shall be valid until July 25, 2012.

George Garcia, G.C. Garcia, Inc. 1711 Whitney Mesa Drive Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation. He explained they asked for a two year extension as the tavern industry was in severe distress.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

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

15. VAC-04-11 (43200) NORTHGATE PHASE 1 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DIAMOND LAMB, LLC, PROPERTY OWNER, TO VACATE EL CAMPO GRANDE AVENUE BETWEEN LAMB BOULEVARD AND THE I-15 RIGHT OF WAY; TO VACATE NOVAK STREET BETWEEN EL CAMPO GRANDE AVENUE AND THE I-15 RIGHT-OF-WAY, TO VACATE THE ASSOCIATED DRAINAGE EASEMENT COMMENCING 800 FEET SOUTH OF EL CAMPO GRANDE AVENUE AND PROCEEDING SOUTH 181 FEET TO THE I-15 RIGHT OF WAY; AND TO VACATE A PORTION OF ANN ROAD BETWEEN LAMB BOULEVARD AND THE I-15 RIGHT OF WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-29-301-002, -003, 123-29-401-004, -005, -006, -007, -012, -013, AND -015.

The application was presented by Marc Jordan, Planning Manager who explained the same vacation was approved by the Planning Commission and City Council in 2007; however, it was tied to the original tentative map, which had expired, so the original vacation would expire and the applicant was requesting approval of the same request. Staff had no objection and was recommending approval of VAC-04-11 subject to the following condition:

1. The vacation shall record concurrent with the dedication of the following streets, as depicted on the associated Tentative Map (T-1344):
 - a. Lamb Boulevard
 - b. Donovan Way
 - c. Tropical Parkway
 - d. Ann Road
 - e. Unnamed street adjacent to Interstate 15 that connects Ann Road to Marion Drive
 - f. Marion Drive

Jason Kepel, 2727 South Rainbow Boulevard, Las Vegas, NV 89146 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Trivedi
SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston and Perkins
NAYS: None
ABSTAIN: None

16. T-1344 (43199) NORTHGATE PHASE 1. AN APPLICATION SUBMITTED BY DIAMOND LAMB LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN MUD/MX-3 MIXED USE DEVELOPMENT/REGIONAL CENTER MIXED-USE DISTRICT FOR A SINGLE LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS GENERALLY LOCATED NORTH OF ANN ROAD AND EAST OF LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS IS ARE 123-29-301-002, -003, 123-29-401-004, -005, -006, -007, -012, -013, AND -015.

The application was presented by Marc Jordan, Planning Manager who explained the original tentative map had expired and the applicant was re-applying for the tentative map and Staff was recommending approval of T-1344 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of this site shall comply with all conditions of approval for Ordinance Number 2419 (ZN-23-07) and the forthcoming Final Development Plan(s).
3. This application shall comply with the conditions of approval for VAC-04-11; or, should that application be denied, modifications to this Tentative Map will be required to incorporate the subject streets into the site plan.
4. All known geologic hazards shall be shown on 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.
5. The property owner is required to sign a restrictive covenant for utilities.
6. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
7. All off-site improvements must be completed prior to final inspection of the first building.
8. If not already existing, the civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Lamb Boulevard, Ann Road, Tropical Parkway and Marion Drive.

Jason Kepel, 2727 South Rainbow Boulevard, Las Vegas, NV 89146 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

17. **VN-01-11 (43280) ELDORADO RCL NO. 24 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RBF CONSULTING ON BEHALF OF PARDEE HOMES, PROPERTY OWNER, FOR A VARIANCE IN AN O-L/DA, OPEN LAND/DEVELOPMENT AGREEMENT DISTRICT TO ALLOW AN 18-FOOT SETBACK TO THE GARAGE WHERE 20 FEET IS REQUIRED, AND TO ALLOW A 10-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED FOR ALL 144 SINGLE FAMILY RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF DEER SPRINGS WAY AND GLIDING EAGLE ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-21-315-001 THRU -015, 124-21-315-017 THRU -033, 124-21-315-038 THRU -073, 124-21-316-001 THRU -063, AND 124-21-317-001 THRU -005.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was required to comply with the Development Agreement between the City and Pardee Homes and as part of the agreement, Title 19, the Zoning Ordinance in 1988, was frozen, so the applicant was subject to all of the conditions of approval of Title 19. Title 19 was where it showed the setbacks. Title 19 required a 15 foot corner side, where the current zoning ordinance required only a 10 foot corner side, so Staff was supporting the 10 foot corner side yard setback, as that was the same enjoyment other developers within the City were able to use. Staff was not supporting the front yard setback for the garage. The tentative map was not yet recorded and the applicant indicated on the approved tentative map they would comply with the required setbacks. Also, the tentative map showed lots with a minimum dimension of 56 feet in width by 84 feet deep or 60 feet wide by 100 feet deep. In reviewing the lot sizes, there would be no reason that would demonstrate a hardship as to why the applicant could not comply with the setback for this type of development. In reviewing the application, there were a number of items the applicant should provide that would normally support staff approval of this type of application, which has not been submitted. The applicant could move the house back on the lot by approximately two feet in order to meet the setbacks and still be able to comply with the rear yard setback. Staff has concerns by moving the garage up by two feet, even though it may appear not to be that significant, that with the vehicles people own today, if parked in the driveway, would encroach on the sidewalk, which would propose a pedestrian hazard. Staff was recommending denial of VN-01-11, as the variance has the potential to cause safety issues and it was believed it was self-imposed as the lots have not been platted and could be designed to meet the setbacks and also the product type. There was nothing unique that would warrant support, the lots of the same size and configuration of other lots that have complied with the setbacks and the proposed variance would afford the applicant an advantage that was not enjoyed by other developers within the City. Three cards were received in opposition of the application and two of them had notes on them. The note on one card read: "We should preserve all requirements that we had when we purchased our home in 2003 from Pardee. We are 100K under water and do not need go lower" and the other read: "We would like the builder to follow the required setbacks of

20 feet for the garage and 15 for corner side yard. We do not agree with the request to change it". Should the Commission determine approval was warranted, the following conditions are recommended:

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 all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. A minimum 10 foot corner side yard setback to the house shall be maintained for all lots.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant, stating she agreed with Staff that the lots could meet the required setbacks, but explained Pardee wanted to provide a larger product. The property was zoned RCL by the Development Agreement, which would allow them to build lot sizes of a minimum of 3,000 square feet, for about 50 percent and the other 50 percent would be a minimum of 3500 square feet and greater. The plan before the Commission, had lots south of Luna Vista that were a minimum lot size of 6,000 square feet and some of the interior lots were larger. North of Luna Vista, there was a mixture of lot sizes ranging from 4300 square feet up to 6,000 square feet. The developer was trying to produce a large product with single and two story homes. Ms. Lazovich explained they were requesting an 18 foot driveway where 20 feet was allowed because they wanted the ability to provide a 20 foot rear yard setback. The Development Agreement only required 15 foot minimum rear yard setback, but they wanted to market the lots for a 20 foot rear yard setback. She pointed out in the Eldorado Development Agreement, the garages were required to be a minimum of 18 feet by 20 feet; however, current code required 20 feet by 20 feet. All of the garages would be 20 feet by 20 feet, so if, in fact, a household had a longer vehicle, they would have the ability to park it in the garage. Pardee would disclose the length of the driveway in the Purchase and Sale Agreement and in the CC&R's so it would be disclosed up front. A neighborhood meeting was held with approximately 12 people in attendance, mostly curious about what they were asking for, the size of the homes, lot sizes, traffic, and the streets. She requested the Commission approve the 18 foot driveway length except along Gentle Brook Street at Deer Springs, where there were six lots that faced a public street, the lots would be consistent with what was already built, so those driveways would remain at 20 feet.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston understood the 20 foot driveway setback and clarified there would be a disclosure regarding the driveway length to potential buyers that the driveway would be 18 foot.

Ms. Lazovich indicated that was correct.

Commissioner Aston thought it was possible the developer would adjust the driveway width to 20 foot if it were requested by a buyer and was not opposed to an 18 foot driveway.

Vice-Chairman Dilip Trivedi concurred with Commissioner Aston and liked a larger rear yard with less paving in the front. He felt there would be smaller vehicles in the future and was in support of the application.

Commissioner Dean Leavitt also concurred with Vice-Chairman Trivedi and Commissioner Aston. He also liked the idea of the builder being flexible with requests from potential home buyers to opt for a longer driveway and was in support of the application.

Commissioner Laura Perkins was in support of the application, as she felt adding the two feet to the rear yard gave people more enjoyment of their property.

Chairman Brown understood the house was being pushed forward to give two more feet in the rear yard; however, the variance is granting permission of every property to shrink the front to 18 feet if necessary with no guarantee it would actually happen in the rear yard. So, a home could end up with a 15 foot rear yard. He did not oppose an 18 foot driveway; however, Title 17 did not allow it and during the re-write of the Code, 18 foot driveways were not discussed. There also were no guarantees Pardee would allow a potential buyer to have a 20 foot driveway. If Pardee decided to flip the property, there were no guarantees and the variance was for the entire site.

Commissioner Aston asked if an 18 foot driveway could be conditioned on maintaining a 20 foot back yard and asked if the applicant was agreeable to that condition.

Ms. Lazovich stated to her knowledge Pardee was the only residential builder in Eldorado and had owned the property since the 1980's and did not think they had sold any parcels. Due to the history of the Eldorado development, she did not think the property would be flipped. In response to Commissioner Aston's question on conditioning the property to maintain a 20 foot rear yard setback if the driveway was reduced to 18 feet, Ms. Lazovich requested the item be trailed to the end of the Agenda, so she could get in-input from the applicant.

Deputy City Attorney, Sandra Douglas-Morgan explained the decision to grant the variance was completely within the Commission's discretion, so if they wished to trail the item.

Chairman Brown understood Ms. Lazovich wished to check with the applicant, but legally, could the Commission put the condition on the approval.

Deputy City Attorney Douglas-Morgan responded there would not be as much of an issue if the applicant agreed to it.

Chairman Brown trailed the application to the end of the Agenda.

Item No. 18 was heard next.

The following is the continuation of Item No. 17 (which was heard after Item No. 19)

Ms. Lazovich stated she was waiting to hear back from the applicant. If it helped the Commission in terms of hearing there would be vehicles that were too long to fit in the driveways, earlier she checked a number of vehicles and the majority of them would fit in an 18 foot driveway.

Chairman Brown asked if the development was under HOA control.

Ms. Lazovich responded it was.

Chairman Brown asked if the HOA would control people parking on the sidewalk or the vehicle extending into the street.

Ms. Lazovich responded that was correct.

Marc Jordan stated if the approval was to allow an 18 foot driveway, he would need to add Condition No. 4 to read: "A minimum 18 foot setback shall be maintained to the garage with the exception that a 20 foot setback to the garage shall be maintained for homes fronting Gentle Brook Street."

Ms. Lazovich was agreeable to the addition of Condition No. 4.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 4 ADDED TO READ:

4. A MINIMUM 18 FOOT SETBACK SHALL BE MAINTAINED TO THE GARAGE WITH THE EXCEPTION THAT A 20 FOOT SETBACK TO THE GARAGE SHALL BE MAINTAINED FOR HOMES FRONTING GENTLE BROOK STREET.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 20 was heard next.

18. **SPR-04-10 (43270) MILLER SUBSTATION EXPANSION. AN APPLICATION SUBMITTED BY NEVADA POWER COMPANY, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE EXPANSION OF AN EXISTING SUBSTATION AND A WAIVER OF LANDSCAPING REQUIREMENTS ALONG THE NORTH SIDE OF THE SITE. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF COMMERCE STREET AND CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-401-013.**

The application was presented by Marc Jordan, Planning Manager who explained the application was previously approved approximately one year ago. The site plan reviews are valid for one year and the applicant was proposing to expand their existing substation and had received approval for a variance to raise the wall. The applicant requested a two year extension of time, and as previously stated, site plan reviews are only good for one year; however, in this case Staff was supporting a two year extension of time because with the adoption of the new Title 17 which takes effect on October 1, 2011, consideration was given to the duration of site plan reviews and the fact that one year was not long enough for people to develop a site. In this case, even though the new zoning ordinance was not in effect yet, the applicant was being given the benefit of the new rule. Staff was recommending approval of SPR-04-10 for a two year extension of time subject to the following conditions:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Commercial Design Guidelines and Development Standards, including but not limited to the following:
 - a. That landscape and irrigation plans be submitted for review and approval by the City of North Las Vegas prior to installation of any planting materials or irrigation system.
 - b. Provide a five (5) foot landscape buffer between the north property line and the perimeter block walls of the existing and proposed substations.
 - c. A twenty (20) foot wide perimeter landscape area (measured from the adjusted property line after dedications) with 24" box trees spaced at every ten (10) feet on center along Carey Avenue and Commerce Street in front of the walls must be maintained except for the portion of the proposed bus turnout and existing substation.

- d. All landscape areas must be planted with a minimum of 60% ground coverage that can be achieved within two (2) years from the time a final inspection is issued for the walls.
3. This site plan review shall expire on July 28, 2013, unless an extension of time is requested and approved by the Planning Commission.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways and/or City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Commerce St.
 - b. associated spandrels
6. Additional dedication and construction of a right turn lane on Commerce Street, as depicted on site plan, is required.
7. Right-of-way dedication and construction of a CAT bus turn-out is required on Carey Avenue west of Commerce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
8. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 226, with minimum widths as depicted on the site plan. (20 foot width on Carey Ave. - 28 foot width on Commerce St.)
11. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
12. A revocable encroachment permit for landscaping within the public right of way is required.
13. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines, or existing distribution lines being adjusted or relocated, shall be placed underground.

14. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
15. Fire access lanes and gates shall be designed per the Fire Code.

Tom Dombrowski, NV Energy, 6226 West Sahara Avenue, Las Vegas, NV indicated he concurred with Staff recommendation and explained they were requesting the extension due to the lack of growth in the area.

Commissioner Dilip Trivedi left Chambers at 7:45 p.m.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

AYES: Chairman Brown, Commissioners Leavitt, Aston and Perkins

NAYS: None

ABSTAIN: None

19. **SPR-08-11 (43265) GREEN VALLEY GROCERY #42. AN APPLICATION SUBMITTED BY GREEN VALLEY GROCERY ON BEHALF OF SCOPE CAMINO AL NORTE LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A WAIVER FROM THE SIGN CRITERIA FOR AN INCREASE IN SIGNAGE ON THE CANOPY OF THE FUEL ISLAND. THE PROPERTY IS LOCATED AT 5225 CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-614-003.**

Commissioner Dilip Trivedi returned to Chambers at 7:47 p.m.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting approval to increase the signage that was normally allowed. Currently, Title 17 only allowed 20 percent coverage on a gas canopy and the applicant was requesting approximately 43 percent. In reviewing the application, the applicant was proposing striping that was normally considered part of the signage, as striping would consist of red and yellow striping that would be about 43 percent and was also proposing the Shell logo that would occupy another 10 percent. There had been a precedent set with the ARCO AM/PM's that were approved to allowed approximately 75 percent coverage on the canopies and also in the new ordinance, Staff had taken those precedents into account and the new ordinance would allow striping not to exceed 50 percent in addition to 20 percent signage, so the request was consistent with the future ordinance. Staff was recommending approval of SPR-08-11 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. The applicant shall comply with all applicable conditions of UN-73-08.
3. The canopy signage and corporate colors shall be allowed as shown on the attached elevations.

Ed Crawford, 1580 South Jones, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Commissioner Dean Leavitt asked with the business would be open.

Mr. Crawford responded the business should open August 1, 2011.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt
SECOND: Vice-Chairman Trivedi

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston and Perkins
NAYS: None
ABSTAIN: None

The continuation of Item No. 17 was heard next.

OLD BUSINESS

20. **SPR-03-11 (42951) ALIANTE PARCELS 31A, 31B, AND 31C. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN MPC R-1, MASTER PLANNED COMMUNITY SINGLE FAMILY RESIDENTIAL DISTRICT TO ALLOW A WAIVER FROM THE ALIANTE'S CORNER SIDE LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED SOUTH OF NATURE PARK DRIVE EAST OF ALIANTE PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-16-411-002, 124-16-411-005, 124-16-411-025, 124-16-411-031, 124-17-813-012, 124-17-813-013 AND 124-21-112-057, 124-20-513-014, 124-20-513-015, 124-20-513-019, 124-20-513-020, 124-20-513-022, 124-20-513-023, 124-20-513-025, 124-20-513-026, 124-20-513-027, 124-20-513-050, 124-20-513-052, 124-20-513-056, 124-21-112-005, 124-21-112-017, 124-21-112-021, 124-21-112-022, 124-21-112-030 AND 124-21-112-046. (CONTINUED MAY 11, 2011)**

The application was presented by Robert Eastman, Principal Planner who explained the application was to allow waivers of the Residential Design Standards and the Aliante Single Family Design Standards to allow reductions in the corner side lot landscaping requirements when ten feet is required; specifically, in both the City's landscaping requirements and in the Aliante Landscaping requirements, there was a requirement that on corner sides there shall be ten feet of corner side lot landscaping and in Aliante it was with 50 percent ground coverage. The applicant was proposing, and they have submitted a detailed letter showing their three different types of waivers they were requesting, and covering all their corner side lots in the development. A total of 25 lots, seven of which have no landscaping proposed because ten feet of landscaping was slightly less than ten feet. There were fourteen lots where there was a single row of trees running through the middle of where the wall was located and the curb and then four lots where there were trees and landscaping but were not in compliance with the 50 percent. The rationale and the basis for the request was because there was a geotechnical soils report indicating landscaping should not be located within five feet of any structure, whether it be the foundation for the wall or the hard scape for the curb and sidewalk areas; therefore, in some instances, because there was not five feet between either two building requirements, they could not put in any landscaping, or if so, they could only put one row of trees and because of that, the applicant was requesting a waiver of those requirements. In other lots within Aliante's development, all of them, with the exception of one development, have put in all corner side lot landscaping. A partial waiver was given in Club Aliante on the west side of Aliante Parkway because of some concerns, they were allowed to put in landscaping that did not require and did not have irrigation. They proposed and planted desert plants that were made to survive without additional irrigation; however, that experiment had not proven to be very successful, as the majority of those plants had not survived the lack of water and were not properly established and did not survive; therefore, Staff had concerns the proposed area was predominantly exposed aggregate rock and was

not in keeping with the design of Aliante; therefore, while there were other methods in place for landscaping, which have been used by other developers, some of them being quite costly. Since other developers have been able to put in landscaping, Staff felt landscaping should and could be provided in the proposed location and was recommending denial of SPR-03-11.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant explaining Item Nos. 20 and 21 would have the same explanation, so she would present both items together. She explained the project had 357 total lots and all but 11 of the homes were already built. When Pardee pulled the permits to build the final 11 lots, during the inspection process, it was discovered that 47 lots did not have proper waivers from planning to allow what was actually built on them. So, in order to pull the remaining 11 building permits to finish the project, they were required to apply for waivers. When Pardee buys property, they do a soils report so they know the condition of the soils; but, it was not until after they graded the property, that they do a formal and in depth soils report, which tells them exactly where they can and cannot plant. If the waiver was approved, it would cover the current condition for the entire project, as well as the remaining lots they were asking to build that had a soils problem. Ms. Lazovich explained when a soils report was received showing poor soils conditions, the builder could not put plants in or they would open themselves up to construction defect lawsuits.

Commissioner Jay Aston asked Ms. Lazovich how the landscaping was brought to the City's attention, if it was on the 11 remaining permits or if Code Enforcement was called in.

Mr. Eastman responded previously when Aliante was building faster and he was the Planner doing the landscape inspections, the building inspectors at that time were very familiar with the procedures and cases. In this instance, because it had been awhile since there had been any activity, when the Plan Examiner was reviewing the plans, he mentioned she should probably remind Pardee about the landscaping requirements to ensure they were not slowed down when they were at their final stages trying to sell their last few models, to get them cleared, that they would not have to retro-fit like other builders in Aliante were required to do. KB Homes built their homes without corner side lot landscaping and at the end, when they were trying to sell their last models, were held up to put in the corner side lot landscaping. KB Homes had to make a deal with all of the individual homeowners to retro-fit their corner side lot landscaping. Staff was trying to provide service, to remind Pardee Homes that the corner side lot landscaping was required so they would not be held up at the end of their project. Unfortunately, Pardee had not been building their corner side lot landscaping and their argument was that they had been dealing with the Building Department and that they were building in compliance with their soils report.

Commissioner Aston inquired if the landscaping was mostly in common areas and street scapes.

Mr. Eastman responded that was correct. Typically in a residential subdivision the landscaping inspections for the perimeter landscaping in the common areas was done at the end of the project when the project was being finalized, when the landscape inspections were done to ensure that everything was planted that was proposed.

Commissioner Aston stated some builders did it that way and others tried to get the common areas turned over to the HOA's as soon as they could. He stated sometimes the side lots belonged to the homeowner rather than being a common area and sometimes the side lots were tied into one common area and asked what was done in the case of these applications.

Mr. Eastman responded in this application, the corner side lot were easements of the individual homes.

Commissioner Aston stated that was an issue because if it was HOA owned and had already been turned over to the HOA, then it was not a North Las Vegas issue any longer and asked if the bonds had been released.

Jennifer Doody of Public Works responded the bonds had not been released.

Commissioner Aston asked how many units there were.

Ms. Doody questioned what the Commissioner was asking.

Commissioner Aston stated the bonds were for curb, gutter and sidewalk and asked if the final map showed ownership of the side lot.

Mr. Eastman stated he was checking that information.

Commissioner Aston stated the soils reports made it difficult and if the ten foot landscaping was based on including five foot of sidewalk, that left five foot to a footing and a soils engineer telling you not to plant anything. If the builder planted in the area and the block wall failed, it would come back on the builder.

Commissioner Laura Perkins pointed out there were fake cactus and different types of fake plants along the freeway and asked if that would satisfy the requirements for landscaping.

Mr. Eastman responded in some instances you could use rocks and other larger boulders and different things to help satisfy the requirements. Many times those are not used because ground coverage is based on the spread of the plant and those would never get larger, so from a cost perspective, it could become very expensive to use that type of landscaping.

Chairman Steve Brown asked if, in Aliante, the builder could use anything other than live plants.

Vice-Chairman Dilip Trivedi pointed out it would just add to the heat island effect.

Mr. Eastman did not recall the Design Standards,

Commissioner Aston had a hard time with the fact that after a home had closed, the builder was being required to add landscaping which would require possibly contacting all of the homeowners and it all seemed convoluted.

Vice-Chairman Trivedi asked the time line for the soils report, after the homes were sold.

Ms. Doody explained the initial soils report was done when civils were submitted, so it was early on in the design process.

Vice-Chairman Trivedi asked if it was done on the whole site.

Ms. Doody responded it was done on the whole site and continued as the grading was being done.

Vice-Chairman Trivedi pointed out, the developer knew at the beginning of the project that the soils were bad.

Ms. Doody confirmed that was true.

Chairman Brown explained they required a back fill where the soil was excavated and refilled with 50 percent non-native soil and re-compacted and still there were expansive soil issues so you could not plant within five feet of a foundation and asked if that was correct.

Ms. Doody responded that was correct, but there were engineering remedies, which included barriers and various other things which sometimes were included in the geo-tech report.

Commissioner Aston stated he was having a hard time with ownership and the site plan review.

Mr. Eastman explained the corner side lots were not platted as common lots, but were part of the lot with an easement to be maintained by the property owner. The Aliante Design Standards stated there must be 50 percent live ground coverage, so rocks only was not allowed.

Commissioner Aston understood the problems, but felt since the homes were sold and the builders would have to contact the homeowners, who may not want the added expense of watering, and thought it may cause problems. There was also a liability with the soils. He was leaning toward supporting the waiver requests due to the problems it would cause and there was a soils report stating planting should not be done.

Chairman Brown asked for an explanation of the green area on plan.

Ms. Lazovich explained the green area was side yards less 10 feet where there was no trees or ground cover and she believed it was an area for the HOA, but the side yard was what did not have any trees or ground cover.

Chairman Brown asked if ground cover meant live ground cover.

Ms. Lazovich responded that was correct.

Mr. Eastman explained all areas had decomposed granite in a normal amount in landscaping and then some had trees and some had some landscaping in addition to the trees.

Ms. Lazovich explained the area in green was the only area that did not have either, but the orange had side yard at 10 feet with trees but did not have any ground cover and the blue area represented side yards that were larger than 10 feet and had trees and limited ground cover, but was less than 50 percent and the 50 percent ground cover was what was needed to comply with Code.

Chairman Brown clarified the reason the full 50 percent ground coverage was not put in was due to the soils report.

Ms. Lazovich responded that was correct.

Chairman Brown asked for explanation on why in some areas in Aliante there were strips of property that had no landscaping.

Mr. Eastman explained that some of the corner sides did not have the sidewalk or some are narrower due to platting errors; but, in a number of instances when builders put in their corner side lot landscaping, the D.R. Horton's project, at the time when they were finishing it, was in compliance. Since that time, if plants had died or things had changed, he was not aware of it, as it would be a Code Enforcement issue. Mr. Eastman stated other developer had been required to install the corner side lot landscaping according to the Aliante Development Agreement.

Ms. Lazovich pointed out that out of the 357 lots, there were only eight lots that had no trees or ground cover. The others had some type of ground cover or trees, so they were not bare.

Deputy City Attorney Sandra Douglas-Morgan understood the Commission was struggling with the fact that some of the lots would have to be individually maintained by a homeowner; but, that did not change the fact that there was an easement along the strip on the property and explained that should not effect the analysis on whether or not to grant

the variance; because what Staff was requesting was in compliance with the Design Guidelines and the Aliante Development Agreement. She understood the applicant was saying there was a soils report and the City's response was that there were measures that could be taken to prevent it and if it involved contacting the homeowner and getting access to their property to provide some type of blockage to prevent water from seeping into the structure or prevent further erosion of the soils, it was the developer's responsibility.

Chairman Brown asked how an easement worked.

Deputy City Attorney Douglas-Morgan explained the individual granted the developer with access to the property.

Chairman Brown clarified the developer did not need to request access to install the landscaping.

Deputy City Attorney Douglas-Morgan responded by version of the final map access had been granted.

Vice-Chairman Trivedi pointed out other developers had been required to install the landscaping which had set a precedence.

Deputy City Attorney Douglas-Morgan did not have personal knowledge of that but apparently that was the case.

Vice-Chairman Trivedi asked if the application should be continued to allow research to be done.

ACTION: APPROVE ITEM NOS. 20 AND 21 SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

Motion failed due to lack of a second.

Ms. Lazovich stated she could hold the application and do more research but did not want to lead to Commission down a road, with the soils report, and knowing how it was with construction defect lawsuits, their hands were severely tied on what could be done.

Commissioner Aston suggested maybe some boulders and other things that showed an effort, particularly on the lots with no landscaping and some of the others could have some boulders spread out.

Deputy City Attorney Douglas-Morgan suggested Staff could look at some landscaping that might not require as much water or some other type of decorative rock other than the decomposed granite and meet with the applicant to work something out.

Ms. Lazovich requested that Item Nos. 20 and 21 be held for one month.

ACTION: CONTINUED TO AUGUST 10, 2011

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None

21. **SPR-04-11 (42953) ALIANTE PARCELS 30A AND 30B. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN MPC R-1, MASTER PLANNED COMMUNITY SINGLE FAMILY RESIDENTIAL DISTRICT TO ALLOW A WAIVER FROM THE ALIANTE'S CORNER SIDE LANDSCAPING REQUIREMENTS. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF CLAYTON STREET AND DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-20-512-003, 124-20-512-023, 124-20-513-039, 124-20-512-051, 124-20-512-052, 124-20-512-059, 124-20-512-060, 124-20-613-003, 124-20-613-012, 124-20-613-013, 124-20-613-038, 124-20-613-044, 124-20-613-052, 124-20-613-054, 124-20-613-060, 124-20-613-063, 124-20-613-067, 124-20-613-077, 124-20-613-078, 124-20-613-087, 124-20-613-088 AND 124-20-613-097. (CONTINUED MAY 11, 2011)**

Item Nos. 20 and 21 were presented together. The following was carried forward from Item No. 20:

The application was presented by Robert Eastman, Principal Planner who explained the application was to allow waivers of the Residential Design Standards and the Aliante Single Family Design Standards to allow reductions in the corner side lot landscaping requirements when ten feet is required; specifically, in both the City's landscaping requirements and in the Aliante Landscaping requirements, there was a requirement that on corner sides there shall be ten feet of corner side lot landscaping and in Aliante it was with 50 percent ground coverage. The applicant was proposing, and they have submitted a detailed letter showing their three different types of waivers they were requesting, and covering all their corner side lots in the development. A total of 25 lots, seven of which have no landscaping proposed because ten feet of landscaping was slightly less than ten feet. There were fourteen lots where there was a single row of trees running through the middle of where the wall was located and the curb and then four lots where there were trees and landscaping but were not in compliance with the 50 percent. The rationale and the basis for the request was because there was a geotechnical soils report indicating landscaping should not be located within five feet of any structure, whether it be the foundation for the wall or the hard scape for the curb and sidewalk areas; therefore, in some instances, because there was not five feet between either two building requirements, they could not put in any landscaping, or if so, they could only put one row of trees and because of that, the applicant was requesting a waiver of those requirements. In other lots within Aliante's development, all of them, with the exception of one development, have put in all corner side lot landscaping. A partial waiver was given in Club Aliante on the west side of Aliante Parkway because of some concerns, they were allowed to put in landscaping that did not require and did not have irrigation. They proposed and planted desert plants that were made to survive without additional irrigation; however, that experiment had not proven to be very successful, as the majority of those plants had not

survived the lack of water and were not properly established and did not survive; therefore, Staff had concerns the proposed area was predominantly exposed aggregate rock and was not in keeping with the design of Aliante; therefore, while there were other methods in place for landscaping, which have been used by other developers, some of them being quite costly. Since other developers have been able to put in landscaping, Staff felt landscaping should and could be provided in the proposed location and was recommending denial of SPR-03-11.

Jennifer Lazovich of Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road #250, Las Vegas, NV 89113 appeared on behalf of the applicant explaining Item Nos. 20 and 21 would have the same explanation, so she would present both items together. She explained the project had 357 total lots and all but 11 of the homes were already built. When Pardee pulled the permits to build the final 11 lots, during the inspection process, it was discovered that 47 lots did not have proper waivers from planning to allow what was actually built on them. So, in order to pull the remaining 11 building permits to finish the project, they were required to apply for waivers. When Pardee buys property, they do a soils report so they know the condition of the soils; but, it was not until after they graded the property, that they do a formal and in depth soils report, which tells them exactly where they can and cannot plant. If the waiver was approved, it would cover the current condition for the entire project, as well as the remaining lots they were asking to build that had a soils problem. Ms. Lazovich explained when a soils report was received showing poor soils conditions, the builder could not put plants in or they would open themselves up to construction defect lawsuits.

Commissioner Jay Aston asked Ms. Lazovich how the landscaping was brought to the City's attention, if it was on the 11 remaining permits or if Code Enforcement was called in.

Mr. Eastman responded previously when Aliante was building faster and he was the Planner doing the landscape inspections, the building inspectors at that time were very familiar with the procedures and cases. In this instance, because it had been awhile since there had been any activity, when the Plan Examiner was reviewing the plans, he mentioned she should probably remind Pardee about the landscaping requirements to ensure they were not slowed down when they were at their final stages trying to sell their last few models, to get them cleared, that they would not have to retro-fit like other builders in Aliante were required to do. KB Homes built their homes without corner side lot landscaping and at the end, when they were trying to sell their last models, were held up to put in the corner side lot landscaping. KB Homes had to make a deal with all of the individual homeowners to retro-fit their corner side lot landscaping. Staff was trying to provide service, to remind Pardee Homes that the corner side lot landscaping was required so they would not be held up at the end of their project. Unfortunately, Pardee had not been building their corner side lot landscaping and their argument was that they had been dealing with the Building Department and that they were building in compliance with their soils report.

Commissioner Aston inquired if the landscaping was mostly in common areas and street scapes.

Mr. Eastman responded that was correct. Typically in a residential subdivision the landscaping inspections for the perimeter landscaping in the common areas was done at the end of the project when the project was being finalized, when the landscape inspections were done to ensure that everything was planted that was proposed.

Commissioner Aston stated some builders did it that way and others tried to get the common areas turned over to the HOA's as soon as they could. He stated sometimes the side lots belonged to the homeowner rather than being a common area and sometimes the side lots were tied into one common area and asked what was done in the case of these applications.

Mr. Eastman responded in this application, the corner side lot were easements of the individual homes.

Commissioner Aston stated that was an issue because if it was HOA owned and had already been turned over to the HOA, then it was not a North Las Vegas issue any longer and asked if the bonds had been released.

Jennifer Doody of Public Works responded the bonds had not been released.

Commissioner Aston asked how many units there were.

Ms. Doody questioned what the Commissioner was asking.

Commissioner Aston stated the bonds were for curb, gutter and sidewalk and asked if the final map showed ownership of the side lot.

Mr. Eastman stated he was checking that information.

Commissioner Aston stated the soils reports made it difficult and if the ten foot landscaping was based on including five foot of sidewalk, that left five foot to a footing and a soils engineer telling you not to plant anything. If the builder planted in the area and the block wall failed, it would come back on the builder.

Commissioner Laura Perkins pointed out there were fake cactus and different types of fake plants along the freeway and asked if that would satisfy the requirements for landscaping.

Mr. Eastman responded in some instances you could use rocks and other larger boulders and different things to help satisfy the requirements. Many times those are not used because ground coverage is based on the spread of the plant and those would never get larger, so from a cost perspective, it could become very expensive to use that type of landscaping.

Chairman Steve Brown asked if, in Aliante, the builder could use anything other than live plants.

Vice-Chairman Dilip Trivedi pointed out it would just add to the heat island effect.

Mr. Eastman did not recall the Design Standards,

Commissioner Aston had a hard time with the fact that after a home had closed, the builder was being required to add landscaping which would require possibly contacting all of the homeowners and it all seemed convoluted.

Vice-Chairman Trivedi asked the time line for the soils report, after the homes were sold.

Ms. Doody explained the initial soils report was done when civils were submitted, so it was early on in the design process.

Vice-Chairman Trivedi asked if it was done on the whole site.

Ms. Doody responded it was done on the whole site and continued as the grading was being done.

Vice-Chairman Trivedi pointed out, the developer knew at the beginning of the project that the soils were bad.

Ms. Doody confirmed that was true.

Chairman Brown explained they required a back fill where the soil was excavated and refilled with 50 percent non-native soil and re-compacted and still there were expansive soil issues so you could not plant within five feet of a foundation and asked if that was correct.

Ms. Doody responded that was correct, but there were engineering remedies, which included barriers and various other things which sometimes were included in the geo-tech report.

Commissioner Aston stated he was having a hard time with ownership and the site plan review.

Mr. Eastman explained the corner side lots were not platted as common lots, but were part of the lot with an easement to be maintained by the property owner. The Aliante Design

Standards stated there must be 50 percent live ground coverage, so rocks only was not allowed.

Commissioner Aston understood the problems, but felt since the homes were sold and the builders would have to contact the homeowners, who may not want the added expense of watering, and thought it may cause problems. There was also a liability with the soils. He was leaning toward supporting the waiver requests due to the problems it would cause and there was a soils report stating planting should not be done.

Chairman Brown asked for an explanation of the green area on plan.

Ms. Lazovich explained the green area was side yards less 10 feet where there was no trees or ground cover and she believed it was an area for the HOA, but the side yard was what did not have any trees or ground cover.

Chairman Brown asked if ground cover meant live ground cover.

Ms. Lazovich responded that was correct.

Mr. Eastman explained all areas had decomposed granite in a normal amount in landscaping and then some had trees and some had some landscaping in addition to the trees.

Ms. Lazovich explained the area in green was the only area that did not have either, but the orange had side yard at 10 feet with trees but did not have any ground cover and the blue area represented side yards that were larger than 10 feet and had trees and limited ground cover, but was less than 50 percent and the 50 percent ground cover was what was needed to comply with Code.

Chairman Brown clarified the reason the full 50 percent ground coverage was not put in was due to the soils report.

Ms. Lazovich responded that was correct.

Chairman Brown asked for explanation on why in some areas in Aliante there were strips of property that had no landscaping.

Mr. Eastman explained that some of the corner sides did not have the sidewalk or some are narrower due to platting errors; but, in a number of instances when builders put in their corner side lot landscaping, the D.R. Horton's project, at the time when they were finishing it, was in compliance. Since that time, if plants had died or things had changed, he was not aware of it, as it would be a Code Enforcement issue. Mr. Eastman stated other developer had been required to install the corner side lot landscaping according to the Aliante Development Agreement.

Ms. Lazovich pointed out that out of the 357 lots, there were only eight lots that had no trees or ground cover. The others had some type of ground cover or trees, so they were not bare.

Deputy City Attorney Sandra Douglas-Morgan understood the Commission was struggling with the fact that some of the lots would have to be individually maintained by a homeowner; but, that did not change the fact that there was an easement along the strip on the property and explained that should not effect the analysis on whether or not to grant the variance; because what Staff was requesting was in compliance with the Design Guidelines and the Aliante Development Agreement. She understood the applicant was saying there was a soils report and the City's response was that there were measures that could be taken to prevent it and if it involved contacting the homeowner and getting access to their property to provide some type of blockage to prevent water from seeping into the structure or prevent further erosion of the soils, it was the developer's responsibility.

Chairman Brown asked how an easement worked.

Deputy City Attorney Douglas-Morgan explained the individual granted the developer with access to the property.

Chairman Brown clarified the developer did not need to request access to install the landscaping.

Deputy City Attorney Douglas-Morgan responded by version of the final map access had been granted.

Vice-Chairman Trivedi pointed out other developers had been required to install the landscaping which had set a precedence.

Deputy City Attorney Douglas-Morgan did not have personal knowledge of that but apparently that was the case.

Vice-Chairman Trivedi asked if the application should be continued to allow research to be done.

ACTION: APPROVE ITEM NOS. 20 AND 21 SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

Motion failed due to lack of a second.

Ms. Lazovich stated she could hold the application and do more research but did not want to lead to Commission down a road, with the soils report, and knowing how it was with construction defect lawsuits, their hands were severely tied on what could be done.

Commissioner Aston suggested maybe some boulders and other things that showed an effort, particularly on the lots with no landscaping and some of the others could have some boulders spread out.

Deputy City Attorney Douglas-Morgan suggested Staff could look at some landscaping that might not require as much water or some other type of decorative rock other than the decomposed granite and meet with the applicant to work something out.

Ms. Lazovich requested that Item Nos. 20 and 21 be held for one month.

ACTION: CONTINUED TO AUGUST 10, 2011

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

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

NAYS: None

ABSTAIN: None

Public Forum was heard next.

22. **AMP-08-08 (35792) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO INCREASE SEVERENCE LANE BETWEEN LOSEE ROAD AND STATZ STREET FROM A 60-FOOT RIGHT-OF-WAY TO AN 80-FOOT RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009, JANUARY 13 AND JULY 28, 2010)**

Item Nos. 22 through 27 were heard together.

It was requested by the applicant to continue AMP-08-08 to August 8, 2012.

Bill Curran, Ballard Spahr Law Firm, 100 City Parkway Suite 1750, Las Vegas, NV 89106 appeared on behalf of the applicant explaining the request for continuance was due to a companion item for different property located immediately across the street from the proposed project, which was in front of City Council and was recently continued for one year so they could continue with their review and he felt it was appropriate that their items were continued in the same cycle.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Steve Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2012

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

23. **VAC-07-08 (35796) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, TO VACATE ELKHORN ROAD BETWEEN LOSEE ROAD AND STATZ STREET; AND TO VACATE BERG STREET BETWEEN SEVERENCE LANE AND ELKHORN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009, JANUARY 13 AND JULY 28, 2010)**

Item Nos. 22 through 27 were heard together.

It was requested by the applicant to continue VAC-07-08 to August 8, 2012.

Bill Curran, Ballard Spahr Law Firm, 100 City Parkway Suite 1750, Las Vegas, NV 89106 appeared on behalf of the applicant explaining the request for continuance was due to a companion item for different property located immediately across the street from the proposed project, which was in front of City Council and was recently continued for one year so they could continue with their review and he felt it was appropriate that their items were continued in the same cycle.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Steve Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2012

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

24. **AMP-07-08 (35791) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED-USE NEIGHBORHOOD TO RESORT COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009, JANUARY 13 AND JULY 28, 2010)**

Item Nos. 22 through 27 were heard together.

It was requested by the applicant to continue AMP-07-08 to August 8, 2012.

Bill Curran, Ballard Spahr Law Firm, 100 City Parkway Suite 1750, Las Vegas, NV 89106 appeared on behalf of the applicant explaining the request for continuance was due to a companion item for different property located immediately across the street from the proposed project, which was in front of City Council and was recently continued for one year so they could continue with their review and he felt it was appropriate that their items were continued in the same cycle.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Steve Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2012

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

25. **ZN-20-08 (35795) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A CASINO/HOTEL. THIS PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009, JANUARY 13 AND JULY 28, 2010)**

Item Nos. 22 through 27 were heard together.

It was requested by the applicant to continue ZN-20-08 to August 8, 2012.

Bill Curran, Ballard Spahr Law Firm, 100 City Parkway Suite 1750, Las Vegas, NV 89106 appeared on behalf of the applicant explaining the request for continuance was due to a companion item for different property located immediately across the street from the proposed project, which was in front of City Council and was recently continued for one year so they could continue with their review and he felt it was appropriate that their items were continued in the same cycle.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Steve Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2012

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

26. **GED-03-08 (35793) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009, JANUARY 13 AND JULY 28, 2010)**

Item Nos. 22 through 27 were heard together.

It was requested by the applicant to continue GED-03-08 to August 8, 2012.

Bill Curran, Ballard Spahr Law Firm, 100 City Parkway Suite 1750, Las Vegas, NV 89106 appeared on behalf of the applicant explaining the request for continuance was due to a companion item for different property located immediately across the street from the proposed project, which was in front of City Council and was recently continued for one year so they could continue with their review and he felt it was appropriate that their items were continued in the same cycle.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Steve Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2012

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

27. **UN-64-08 (35794) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009, JANUARY 13 AND JULY 28, 2010)**

Item Nos. 22 through 27 were heard together.

It was requested by the applicant to continue UN-64-08 to August 8, 2012.

Bill Curran, Ballard Spahr Law Firm, 100 City Parkway Suite 1750, Las Vegas, NV 89106 appeared on behalf of the applicant explaining the request for continuance was due to a companion item for different property located immediately across the street from the proposed project, which was in front of City Council and was recently continued for one year so they could continue with their review and he felt it was appropriate that their items were continued in the same cycle.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Steve Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 8, 2012

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 8:31 p.m.

APPROVED: September 14, 2011

/s/ Steve Brown
Steve Brown, Chairman

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