

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

December 10, 2014

BRIEFING:

5:30 P.M.
Caucus Room, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada

CALL TO ORDER:

6:05 P.M.
Council Chambers, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada

WELCOME:

Chairman Nelson Stone

ROLL CALL:

Chairman Nelson Stone – Present
Vice-Chairman Willard Ewing – Present
Commissioner Jay Aston – Present
Commissioner Laura Perkins – Present
Commissioner Sylvia Joiner-Greene – Present
Commissioner Felix Acevedo – Present
Commissioner Kenneth Kraft – Present

STAFF PRESENT:

Gregory Blackburn, Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Rudd Sanchez, Chief Deputy City Attorney
Robert McLaughlin, Public Works/Manager
Alyssa Rodriguez, Public Works/Traffic Engineer
Curt Kroeker, Public Works/Engineering
Carolyn White, Police Department
Julie Shields, Recording Secretary

VERIFICATION:

Julie Shields, Recording Secretary

PLEDGE OF ALLEGIANCE

Commissioner Sylvia Joiner-Greene

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF DECEMBER 10, 2014 (FOR POSSIBLE ACTION)

ACTION: APPROVED AS AMENDED; ITEM NOS. 5 (AMP-10-14), 6 (ZN-15-14), 7 (VN-04-14), 8 (WAV-01-14), AND 9 (SPR-07-14), CONTINUED TO JANUARY 14, 2015, PER THE APPLICANT'S REQUEST; ITEM NOS. 15 (ZN-14-14) AND 16 (T-1371), WITHDRAWN, PER THE APPLICANT'S REQUEST; ITEM NO. 18 (SPR-06-14), CONTINUED TO JANUARY 14, 2015, PER THE APPLICANT'S REQUEST; ITEM NOS. 21 (SPA-01-14) AND 22 (ZN-98-04), CONTINUED TO FEBRUARY 11, 2015, PER STAFF AND THE APPLICANT'S REQUEST

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

2. APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 12, 2014 (FOR POSSIBLE ACTION)

ACTION: APPROVED

MOTION: Commissioner Perkins

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

NEW BUSINESS

- 3. ZN-16-14 (50161) PROFESSIONAL OFFICE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIM C. AYALA ON BEHALF OF LYSETT A. DOMINGUEZ AND FRANTY VALDEX AYON, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO A PUD/PID, PLANNED UNIT DEVELOPMENT DISTRICT / PLANNED INFILL DEVELOPMENT DISTRICT CONSISTING OF TWO PROFESSIONAL OFFICES. THE PROPERTIES ARE LOCATED AT 2500 EAST TONOPAH**

AVENUE AND 1820 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-312-114 AND 139-24-312-077. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager. Staff recommended approval with two amendments to the conditions:

Condition No. 8: (amended condition)

A four foot (4') decorative wall or fence shall be constructed on the property line to protect the existing power pole and associated guide wire.

Condition No. 9: (added condition)

Uses within this PID shall be limited to professional office.

The conditions listed subsequent to Condition No. 9 will be renumbered.

The original conditions per Staff Report dated December 10, 2014 are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Landscaping along Civic Center Drive shall contain 24" box Mediterranean fan palms planted 20 feet on center with complementary shrubs and ground covers to provide 50% ground coverage within two years of planting.
3. A three (3) foot tall split-faced block wall or suitable alternative shall be placed between the parking lot and 10 foot perimeter landscape area.
4. A six (6) foot landscape buffer shall be provided along the east property line consisting of 24" box trees at a maximum spacing of 20 feet on center.
5. The building shall use a stucco exterior with pop-outs around the windows and doors to help comply with the Commercial Design Standards.
6. The buildings shall be finished in earth tone or neutral colors indigenous to the Las Vegas Valley and its surrounds.
7. That the trash enclosures match the materials of the office building and have a cover.

8. The applicant shall have the block wall that divides both properties removed.

Public Works:

9. All new projects, including redevelopment projects, must comply with current A.D.A requirements for public access, as required of the City by the Department of Justice. Incidentally, the commercial driveways shall be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 226.S1, or 225 with sidewalk ramps per drawing number 235. Existing driveways not in compliance with the current standards shall be removed and replaced with a driveway per the stated standard drawings, subject to review and approval by the City Traffic Engineer.
10. Civil improvement plans showing the following items are required:
 - a. Removal and replacement of the driveway
 - b. Updated parking lot striping

Chairman Stone recognized Mayor Pro Tempore Wood in attendance.

Tim Ayala, 4600 Sunset Road, represented the applicant, thanked staff for their assistance and concurred with existing and amended, recommended conditions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED AND AMENDED CONDITION NUMBERS 8 AND 9; FORWARDED TO CITY COUNCIL FOR FINAL ACTION

MOTION: Commissioner Perkins

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

4. **FDP-05-14 (49602) PROFESSIONAL TAX OFFICE. AN APPLICATION SUBMITTED BY TIM C. AYALA, ON BEHALF OF LYSETT A. DOMINGUEZ AND FRANTY VALDES AYON, PROPERTY OWNERS, FOR A FINAL DEVELOPMENT PLAN IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A PUD/PID, PLANNED UNIT DEVELOPMENT DISTRICT / PLANNED INFILL DEVELOPMENT DISTRICT) TO DEVELOP TWO PROFESSIONAL OFFICES. THE PROPERTIES ARE LOCATED AT 2500 EAST TONOPAH AVENUE AND**

1820 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-312-114 AND 139-24-312-077. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

The original conditions per Staff Report dated December 10, 2014 are as follows:

Planning & Zoning:

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 shall comply with all requirements and conditions of approval for ZN-16-14.
3. Should the reclassification of property ZN-16-14 not be approved, then this final development plan shall become null and void.

Tim Ayala, 4600 Sunset Road, represented the applicant and concurred with existing and amended recommended conditions.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Perkins

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

5. **AMP-10-14 (50126) MADISON PALMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE GEKAKIS, INC. ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF COMMUNITY COMMERCIAL TO MULTI-FAMILY. THE PROPERTY IS LOCATED APPROXIMATELY 400 FEET NORTH OF ANN ROAD AND EAST OF FERRELL STREET (3150 WEST ANN ROAD). THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO JANUARY 14, 2015

MOTION: Commissioner Kraft
AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft.
NAYS: None
ABSTAIN: None

6. **ZN-15-14 (50127) MADISON PALMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE GEKAKIS, INC. ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED APPROXIMATELY 400 FEET NORTH OF ANN ROAD AND EAST OF FERRELL STREET (3150 WEST ANN ROAD). THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO JANUARY 14, 2015

MOTION: Commissioner Kraft
AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft
NAYS: None
ABSTAIN: None

7. **VN-04-14 (50129) MADISON PALMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE GEKAKIS, INC. ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) TO ALLOW 39 FOOT HIGH BUILDING WHERE 35 FEET THE MAXIMUM ALLOWED. THE PROPERTY IS LOCATED APPROXIMATELY 400 FEET NORTH OF ANN ROAD AND EAST OF FERRELL STREET (3150 WEST ANN ROAD). THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO JANUARY 14, 2015

MOTION: Commissioner Kraft
AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft
NAYS: None
ABSTAIN: None

8. WAV-01-14 (50128) MADISON PALMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE GEKAKIS, INC., ON BEHALF OF MADISON SQUARE LLC, PROPERTY OWNER, FOR A WAIVER IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) TO ALLOW 157 PARKING SPACES WHERE 284 ARE REQUIRED. THE PROPERTY IS LOCATED APPROXIMATELY 400 FEET SOUTH OF ANN ROAD AND EAST OF FERRELL STREET (3150 W. ANN ROAD). THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002. (FOR POSSIBLE ACTION)

ACTION: CONTINUED TO JANUARY 14, 2015

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

9. SPR-07-14 (50130) MADISON PALMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE GEKAKIS, INC. ON BEHALF OF MADISON SQUARE LLC, FOR A SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) TO ALLOW 126 UNITS OF MULTI-FAMILY RESIDENTIAL DWELLINGS. THE PROPERTY IS LOCATED APPROXIMATELY 400 FEET NORTH OF ANN ROAD AND EAST OF FERRELL STREET (3150 WEST ANN ROAD). THE ASSESSOR'S PARCEL NUMBER IS 124-29-412-002. (FOR POSSIBLE ACTION)

ACTION: CONTINUED TO JANUARY 14, 2015

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

10. UN-109-14 (50141) DISCHBEIN MOTOR SPORTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DISCHBEIN MOTOR SPORTS, ON BEHALF OF BROOKSPARK II, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A VEHICLE REPAIR

FACILITY. THE PROPERTY IS LOCATED AT 2926 BROOKSPARK DRIVE, SUITE #300. THE ASSESSOR'S PARCEL NUMBER IS 139-15-615-008. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner. Staff recommended approval subject to conditions.

The original conditions per Staff Report dated December 10, 2014 are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. All service and material storage shall be conducted within the building.
3. Outside over night vehicle storage within the parking lot shall be prohibited.

Frank Dischbein, 5171 Rider Avenue, Las Vegas, agreed with staff's recommendations.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

11. **UN-112-14 (50155) SMITH'S 345 FUEL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SMITH'S FOOD AND DRUG STORES INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW A FUEL SALES FACILITY. THE PROPERTY IS LOCATED AT 5564 CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-512-001. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval subject to conditions.

The original conditions per Staff Report dated December 10, 2014 are as follows:

Planning & Zoning:

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 special use permit is site-specific and non-transferable.
3. That the canopy and kiosk shall follow the same theme design as the Smith's Food and Drug Store and use the same or similar finishing materials and colors.

Public Works:

4. Prior to issuance of the business license/certificate of occupancy, a traffic study update must be submitted to Public works for review and approval. Please contact Traffic Engineering at 702-633-2676 to request a scope.

Troy Wolverton, 1020 E. Redwood Road, Salt Lake City, UT, agreed with staff recommended conditions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Joiner-Greene

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

12. **UN-113-14 (50156) CRAIG AND BERG PYLON SIGN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MORGAN INVESTMENTS, FLP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A FREESTANDING SIGN WITH A HEIGHT OF 100 FEET AND AN AREA OF 1,209 SQUARE FEET. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CRAIG ROAD AND BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-302-006. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised staff recommended an amendment to Condition No. 5.

The original conditions per Staff Report dated December 10, 2014 are as follows:

Planning & Zoning:

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 sign shall be constructed as submitted (Opt 1).
3. A building permit shall be issued for the construction of the Cracker Barrel prior to a building permit being issued for this directory sign.

Public Works:

4. The sign location is subject to review and approval by the Department of Public Works.
5. Adequate separation is required from the proposed sign pole to the existing sewer line; subject to review of the Utilities Department Director.

Attorney Jeff Barr, 2300 W. Sahara, Las Vegas, represented the applicant. Jeffrey Hachquet of Morgan Investments and Janeen Sinks (phonetic) of Cracker Barrell were in attendance. Mr. Barr stated they would like to bring the first Cracker Barrell in the state of Nevada to North Las Vegas, and agreed with staff's amended conditions, and requested the Planning Commission's approval.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

Chairman Stone asked if either the Federal Aviation Association or Nellis Air Force Base were a consideration relative to sign height, and Mr. Eastman stated it was not a concern at this location.

Vice-Chairman Ewing stated there were three pads available; one is occupied by In-N-Out Burger, one would be occupied by Cracker Barrel. Vice-Chairman Ewing asked if the third pad had any relevancy in this item moving forward, and Mr. Barr advised it did not.

Commissioner Aston asked if the railroad traveled along the easterly property line and Mr. Eastman advised it did. Commissioner Aston confirmed with Mr. Eastman the sign was proposed along the southern portion of the property.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS AND AMENDMENT TO CONDITION NO. 5, PER MEMORANDUM DATED DECEMBER 3, 2014

Condition No. 5 amended as follows:

Adequate separation, per the *Design and Construction Standards for Wastewater Collection Systems*, is required from the proposed sign pole to the existing sewer line; subject to review of the Utilities Department director.

MOTION: Commissioner Joiner-Greene

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

13. **UN-114-14 (50159) PIZA AUTO SALES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CARISTINO PIZA-CHONA ON BEHALF OF DECATUR PLAZA LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A VEHICLE SALES FACILITY. THE PROPERTY IS LOCATED AT 5520 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-008. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval subject to staff recommended conditions.

The original conditions per Staff Report dated December 10, 2014 are as follows:

Planning & Zoning:

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 special use permit is site-specific and non-transferable.

Ms. Marcella (phonetic) Gonzales, 5520 N. Decatur Boulevard, appeared on behalf of the applicant, and agreed with staff's recommended conditions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

14. **VAC-09-14 (50090) GOLDFIELD II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES INC., PROPERTY OWNER, TO VACATE A PORTION OF RIGHT-OF-WAY NEXT TO LONE MOUNTAIN ROAD. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 380 FEET WEST OF NORTH 5TH STREET AND NORTH OF LONE MOUNTAIN ROAD EXTENDING WEST APPROXIMATELY 240 FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-804-005. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval of this item subject to condition.

The original condition per Staff Report dated December 10, 2014 is as follows:

Public Works:

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

Rebecca Chiriboga, Taney Engineering, 6030 S. Jones Boulevard, represented the applicant and agreed with staff's recommended conditions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL

MOTION: Commissioner Perkins

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

OLD BUSINESS

15. **ZN-14-14 (49975) CENTENNIAL SPRINGS II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KB HOME LV CENTENNIAL SPRINGS, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-2, SINGLE-FAMILY MEDIUM DENSITY DISTRICT, TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 143 SINGLE-FAMILY DWELLING UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-101-010, 124-30-195-001 AND 124-30-113-001 THRU 1124-30-113- 075. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 12, 2014)**

ACTION: WITHDRAWN, PER THE APPLICANT'S REQUEST

16. **T-1371 (49976) CENTENNIAL SPRINGS II. AN APPLICATION SUBMITTED BY KB HOME LV CENTENNIAL SPRINGS, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-2, SINGLE-FAMILY, MEDIUM DENSITY DISTRICT, (PROPOSED PROPERTY RECLASSIFICATION TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW 143 SINGLE-FAMILY DWELLING LOTS. THE PROPERTIES ARE LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-101-010, 124-30-195-001 AND 124-30-113-001 THRU 124-30-113-075. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 12, 2014)**

ACTION: WITHDRAWN, PER THE APPLICANT'S REQUEST

17. **UN-107-14 (49964) U-HAUL RENTAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FAST & EZ SELF STORAGE, INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A VEHICLE RENTAL FACILITY. THE PROPERTY IS LOCATED AT 915 EAST COLTON AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-402-003. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 12, 2014)**

This item was presented by Marc Jordan, Planning Manager.

Staff recommended approval subject to staff's recommended conditions.

The original conditions per Staff Report dated November 12, 2014 are as follows:

Planning & Zoning:

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 special use permit is site-specific and non-transferable.
3. That landscaping be installed along Colton Avenue consisting of 24" box trees planted 20' on center and shrubs to achieve a minimum ground cover of 50 percent within two years of planting.
4. That the applicant store/park the two (2) U-Haul cargo vans in two (2) designated storage units and the 14-foot U-Haul truck in the open area at the south end of the east building.
5. That storage/parking of the rental vehicles shall be prohibited in areas adjacent to and visible from Colton Avenue.

Laura Richardson, 915 E. Colton Avenue, agreed with staff recommended conditions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

18. **SPR-06-14 (49967) SERENITY CIRCLE APARTMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CORAN LAKE MEAD LLC, C/O FILIPP CHEBOTAREV, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO THE R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) TO ALLOW 271 MULTI-FAMILY DWELLING UNITS. THE ASSESSOR'S PARCEL NUMBERS ARE 139-20-202-009 THRU 139-20-202-011. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 12, 2014)**

ACTION: CONTINUED TO JANUARY 14, 2015

MOTION: Commissioner Kraft
AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft
NAYS: None
ABSTAIN: None

19. UN-106-14 (49930) LONE MOUNTAIN TRUCK LEASING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TIM C. AYALA ON BEHALF OF FLEETPARK LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A VEHICLE SALES ESTABLISHMENT. THE PROPERTY IS LOCATED AT 4020 EAST LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-31-801-003 AND 123-31-801-004. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 12, 2014)

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval subject to staff recommended and amended conditions.

The original conditions per Staff Report dated November 12, 2014 are as follows:

Planning & Zoning:

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 special use permit is site-specific and non-transferable.

Public Works:

3. The applicant shall provide a traffic mitigation letter prior to issuance of the business license.
4. Appropriate mapping is required to combine the parcels. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. The mapping shall be completed prior to issuance of the business license.
5. The existing driveway shall be removed and replaced with an ADA compliant driveway per Clark County Area Uniform Standard Drawings 226.S1.

Tim Ayala, 4600 Sunset Road, represented the applicant, and thanked staff for providing them 180 days to record the map.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS AND AMENDMENTS, PER MEMORANDUM DATED DECEMBER 3, 2014

Condition No. 4 amended as follows:

Appropriate mapping is required to combine the parcels. All mapping shall be in compliance with NRS Chapter 278 and the City of North Las Vegas Municipal Code and associated Master Plans in effect at the time of subdivision and/or parcel map approval. The mapping shall be completed within 180 days of approval of this application.

MOTION: Commissioner Perkins

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

20. UN-30-14 (49353) CARL'S JR. AT NATURE PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TEN 15 NATURE PARK LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC/C-P, MASTER PLANNED COMMUNITY/PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ALIANTE PARKWAY AND NATURE PARK DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-20-501-007. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 10 AND OCTOBER 8, 2014)

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval subject to staff recommended conditions.

The original conditions per Staff Report dated September 10, 2014 are as follows:

Planning & Zoning:

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 site plan and building elevations shall be amended to comply with the Aliante

Design Guidelines and Development Standards.

3. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
4. All scuppers and downspouts shall be incorporated into the buildings, and shall not be exposed to the neighboring properties.

Public Works:

5. All known geologic hazards shall be shown on the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.

Alyssa Rodriguez, City of North Las Vegas Traffic Engineer, provided an overview regarding the traffic study for the subject site. The findings reflected Aliante Parkway and Nature Park intersections projected a Level of Service C, with and without this development. The delay would increase by only a few seconds with the development.

Bob Gronauer, 8345 W. Sunset Rd., represented Dapper Development. Jay Dapper was present to answer any questions. Mr. Gronauer reviewed the site map and discussed the history and vision for Aliante Park. Mr. Gronauer stated over the past few weeks there had been misinformation given to the community, which was processed through Facebook, emails and neighborhood meetings.

Mr. Gronauer addressed the issues listed below:

- 1) **Zone Change Application:** The signs held by some meeting participants stated this was a zone change application, and Mr. Gronauer advised it was not. This is a master-planned community that has been zoned for commercial uses. They are not asking for zone change for commercial.
- 2) **Capriotti's:** Capriotti's has already been submitted for building permits. Capriotti's is a nationwide restaurant, and they want to use this site as their flagship store. This is their first and only proposed free standing restaurant, with indoor/outdoor seating.
- 3) **Home Finding Sales Center:** In 2001, the center served a purpose; however, the life existence for this home sales center has been expired for several years,

and it was anticipated the building would come down at some point in time.

- 4) **Commercialized Intersection:** They are not encroaching on any residential, and are located at Aliante Parkway and I-215. It was planned and intended to be a commercialized area.

Mr. Gronauer stated they did not discuss signage and had received calls regarding this issue. Some were under the impression the sign would be 35-40 feet in height to take the traffic off Aliante Parkway. Mr. Gronauer stated they were not allowed, and did not propose to do that. Mr. Gronauer displayed examples of signage and stated it was within the development standards and code, and was a quality sign.

- 5) **Traffic:** Mr. Gronauer stated he was comfortable with the traffic report provided earlier at the meeting.
- 6) **Location of Carl's Jr.:** The Carl's Jr. is not going to be located outside the gates of a residential community on a vacant piece of property; it will be located at the proposed location, at an intersection.
- 7) **Status of Existing Office Buildings:** Mr. Gronauer referred to the existing office buildings being leased up. He talked to American Nevada Corporation today who advised there was 55,642 square feet of office space located in two buildings; 42,669 square feet of that space is vacant, or 76% of that building is vacant. There is another 20,000 square feet of vacant office space.
- 8) **If you build the Carl's Jr. it would bring those people into the community, and we do not want those people into the community:** Mr. Gronauer was uncertain as to who "those people" were that they did not want.

Mr. Gronauer requested that the Planning Commission follow staff's recommendation for approval.

Chairman Stone opened the public hearing.

Carlene Cohen, 7417 Widewing, North Las Vegas, spoke in opposition to this item. She was concerned about people buying food at Carl's Jr. and Capriotti's, and coming across to the park, and leaving their trash. She was concerned about the children who played in the park being attracted to a place where they can run across the street to get something to eat or drink, and will not pay attention to the traffic. She was also concerned about the increased traffic.

Adan Brieno, 4533 Margarete Ave., Las Vegas, spoke in favor of this item. The project created jobs for construction workers and employees for the restaurant.

Teresa Thorson, 4541 Terra Rosa, Las Vegas, spoke in favor of this item. Ms. Thorson is an employee of Carl's Jr. She was offended by the comment the restaurant would bring in the wrong type of people. Many employees had been promoted from within the organization. Ms. Thorson stated bringing in a Carl's Jr. would improve the economy, and would support the community.

Ashley Morris, 2971 Hammerwood Dr., Las Vegas, CEO of Capriotti's Sandwich Shop, spoke in favor of this item. Mr. Morris stated for 15 years they won "Best of Las Vegas", among other acknowledgements. This is an opportunity to create 15-20 new jobs, and a corporate location. This would be the best restaurant they have built and would be a flagship location.

Thomas Gilbert, 2217 Coral Mist, North Las Vegas, spoke in opposition to this item. Mr. Gilbert stated the majority of the comments were made by people from Las Vegas. The majority of the people from North Las Vegas feel this is not what they would want. Part of the vision of Aliante is to be one of the strongest master-planned communities in the country. There are plenty of great restaurants within walking distance and within the area. He stated he did not want this intersection to be like Tropicana and South Maryland. He said this is not desirable to the neighborhood.

Cindy Jackson, 2217 Coral Mist Place, North Las Vegas, spoke in opposition to this item. Ms. Jackson spoke regarding the vacant office building. She stated she was a business owner who attempted to lease property in the building. Ms. Jackson said they were holding spaces for large and high end businesses. She stated currently there was an aeronautical engineering firm that is working in conjunction with NASA and Nellis Air Force Base. Ms. Jackson stated she attempted to obtain 2,000 square feet and was declined. Ms. Jackson stated Mr. Dapper said during a neighborhood meeting that he would receive \$225,000 in rent from Carl's Jr. Ms. Jackson added the value of the residents' homes exceeded that amount and would generate more tax revenue for the City than a Carl's Jr. or Capriotti's.

Ms. Jackson asked about the traffic rating now in the area, and what it would be for a church or medical facility.

Miles Jackson, 2217 Coral Mist Pl., North Las Vegas. Cindy Jackson advised Miles was opposed to this item.

Reverend Barbara Jenkins, 7056 Pale Topaz Lane, Las Vegas, spoke in opposition to this item. Reverend Jenkins stated the church had not yet moved due to delays concerning the Fire Department making the final inspection. The church was in negotiations with the leasing company to take on more of the building, and to retain 2600 Nature Park as a youth center. The plans were underway to provide tutorials to two of the neighboring schools, which was not discussed with the church. Escrow closed and Mr. Dapper bought the building out from under them, which created the need for them to move into 2590 Nature Park, and leave 2600 Nature Park behind.

Reverend Jenkins spoke about the wildlife at 2600 Nature Park and said she believed this was a protected species.

Reverend Jenkins anticipated moving within two weeks, and is currently paying dual rent.

Reverend Jenkins displayed pictures of wildlife that included quail, ducks and geese that lived on the premise.

As a tenant, they expected the previous owner to offer the property to them before it was sold. The vision of the church was to establish a youth center in that building, to have the church in 2015, and a community center.

Reverend Jenkins said it would be a mistake to place a restaurant in that spot because of the traffic to Nature Park, which is the entrance to a major development.

Sandra Bacon, 533 Rancho del Mar Way, North Las Vegas, spoke in favor of this item. She is a 20-year employee of Carl's Jr. She started as a crew member, and was promoted to Director of Operations. Ms. Bacon stated Carl's Jr. provided many job opportunities and promoted from within. The site in North Las Vegas would employ 40-45 people.

Jay Dapper, 985 White Dr., Las Vegas, developer of the project, spoke in favor of this item. Mr. Dapper said he lived in Las Vegas his entire life, and his first job was in a fast food restaurant. Mr. Dapper agreed with Mr. Gronauer regarding statements about the project that have been made that are not entirely true. Mr. Dapper advised prior to purchasing the property, they met with the City to gain an understanding of how North Las Vegas felt about what was being proposed. Mr. Dapper reiterated they appeared to request a Special Use Permit for Carl's Jr.

Mr. Dapper addressed leasing the building space and advised the aeronautical company is no longer there, and they lost their DOD contract. Mr. Dapper confirmed the building is 78% vacant, and small suites were available -- 3,000 and 3,500 square feet.

Marisa Kagan, 7108 Manzanares Dr., North Las Vegas, spoke in opposition to this item and presented a petition to the Planning Commission.

Ms. Kagan is a resident of Aliante, who is opposed to a drive-through across from Nature Park Drive and believed it would negatively impact the natural beauty and serenity of the pond, and its wildlife. She expressed concern over the detrimental effects it would have on the residents who use Nature Park Drive to access their communities. Additionally, she was concerned about the hazards posed to the children playing. She is opposed to the construction of Dotty's Tavern.

Ms. Kagan advised there were 548 signatures on-line, and an additional 255 signatures were obtained from a door-to-door effort in opposition to this item.

John Alba, 6703 Tufted Duck Way, North Las Vegas, spoke in opposition to this item, and is an 11-year Aliante resident. Mr. Alba is concerned about Nature Park Drive. He stated it is the narrowest street where commercial is located or is proposed. There is a buffer of a four lane highway and median strip on Aliante Parkway, and a similar buffer on Deer Springs. Nature Park Drive is a two lane road that leads into one of the housing developments. This is also the street where the wildlife crosses. Mr. Alba is also concerned about the traffic, people and children who will be entering Nature Park Drive and going into the development. He stated the increase in traffic on Nature Park Drive is the biggest problem.

Alan Jeskey, 2930 Maverick St., Las Vegas, spoke in favor of this item, and is a 33-year resident of Las Vegas, business and property owner. Mr. Jeskey spoke in favor of the development, and stated the City needed development, businesses and jobs. He stated this project would help property values.

Krysten Porterfield, 7137 Pipers Run Pl., North Las Vegas, spoke in opposition to this item. She is a military spouse whose husband was retired Air Force. They bought in Aliante because of the area, park and neighborhoods. Ms. Porterfield stated Tri-Care covers a lot of doctors and referrals off-base for civilians. Many military families go to Las Vegas because there are no doctors in North Las Vegas to provide health care for them. Ms. Porterfield stated she did not think putting in a fast food restaurant where there could be other businesses bringing in revenue would be appropriate. Ms. Porterfield stated it was proven there was a flock of at least 100 Canadian Geese that have made the park their home. Ms. Porterfield said there was no information provided to the Planning Commission regarding the issue of an environmental impact review. She stated this was troubling because the Planning Department had been notified in writing that this project would impact the migratory water fowl. Ms. Porterfield referenced the Migratory Bird Treaty Act of 1918, Title 16 of U.S. Code Section 702-712, the U.S. Department of Fish and Wildlife and Pacific Coastal Breeding nesting and foraging areas of migratory water fowl such as the Canadian Geese. Ms. Porterfield said they are protected by federal law.

Ms. Porterfield stated prior to any action taken, the Planning Commission and City Council needed to be apprised of any mitigation required under the 1918 Treaty or governmental agencies. An environmental impact should be done before this project moves forward.

Another point of concern is the designation of Nature Discovery Park Drive as to the type of street. Ms. Porterfield said it should be designed as a major collector without a median, and subject to an 80 foot right-of-way. The insertion of two restaurants into the existing mix of a large park and existing office buildings, and nearly 400 units of housing

in a Planned Unit Development would require a designation as a major collector street, requiring at least four lanes of traffic. The traffic study needs to be redone. It was dated 2012, and did not reflect anything that was current. There are concerns with the fire protection specialists having the proper fire zone, turning lanes and use of a two lane road on Nature Park Drive.

Ms. Porterfield stated she had nothing against Carl's Jr. and stated it was fast food, in general, that she opposed.

Mike Pallans, 7753 Lily Trotter Street, North Las Vegas, spoke in opposition to this item, and is a former member of the Board of Directors for the Master Association of Aliante, past President of Sun City Aliante Community Association. Mr. Pallans spoke regarding zoning and stated zoning was changed last December from Professional to Special Use Permit to allow a fast food restaurant. It was done as a minor change to the Development Agreement. Nobody knew, and there were no public hearings. Aliante design guidelines, Section 413, refers to Professional Office Commercial CPMPC. The following deviations shall apply. He referred to special uses subject to Section 172402, which addresses fast food restaurants. It states no deviations. Last December, on a minor change, the City changed it. Section 17 of the Municipal Code, states mandatory and discretionary terms shall, must, or will are always mandatory. Section 4.13 has a "shall," which means it is mandatory that you can have no deviations. You cannot change it. The City did it without having a public hearing, without having anyone else know. The change was made in December 2013. A major change is anything that is not a minor change, per City code. A minor change has four conditions: a change in species of plants, a decrease in the density or intensity of development; adjustment of the boundary lines between parcels; or any other change or modification that will not have adverse impact on the district or surroundings, etc. Mr. Pallans displayed a rendering of the Capriotti's. He stated Mr. Gronauer's rendering showed a two story building, which is more impactful. The development agreement states the monument defines the entry way into the community. Mr. Pallans said you have put in fast food restaurants where there are not supposed to be any, and have turned this into another Decatur Boulevard. The Mayor said we have to bring business to the City. The Commission or City Council should not bring businesses into the City that are not fit for area, and degrade the communities that exist here.

Tye Sprewell, 7148 Charter Crest St., North Las Vegas, spoke in opposition to this item. He agrees with points made regarding wildlife, increased trash and traffic. He stated those who are in favor, do not live there. There is plenty of development at the 215 and Decatur Boulevard. They just put in an LVCC and El Pollo Loco. There is plenty of commercial on the other side of Aliante Parkway, or by Dotty's.

He stated when referring to "those people," we are referring to those who don't live there, who are not homeowners. He stated traffic is an issue, and some run red lights.

There are turtles and rabbits in the park. That is what we like and why we bought there.

It is getting away from the hustle and bustle of the City. We do not want it in this location.

Patrick Porterfield, 7137 Pipers Run Pl., North Las Vegas, spoke in opposition to this item, but thanked Carl's Jr., he went to their location at Ann and Simmons because there was a drive-through and he did not have to go in.

Mr. Porterfield stated if putting in a Carl's Jr. was truly the vision, after September 11, 2011, why wasn't it done before, and why are we here tonight requesting a special use permit. Mr. Porterfield said to put it in without the drive-through.

He apologized for using the word "zoning" on their signs, and said they are not real estate attorneys. It seemed like it was the right word to use, and did not want to offend anyone.

Mr. Porterfield said it was fiction to say that Carl's Jr., itself, will increase my property value. He stated he bought his house in July 2011 at the low point for \$230,000. There are those who paid \$500,000. They were re-appraised in October, 2014 for \$320,000, which was with the vacant office building in the area, and not because Carl's Jr. came and helped him.

The traffic on the 215 is what they are looking for. They were told in the community meeting that they had a low density residence -- 400 wasn't enough for other restaurants and other things.

The traffic study did not count the birds. Mr. Porterfield displayed a video showing where the birds crossed. Traffic was backed up at the intersection. Mr. Porterfield conveyed he was not anti Carl's Jr.

Ilan Dascalu, 7133 Pipers Run Pl., North Las Vegas, spoke in opposition to this item. Mr. Dascalu is a business owner of several salon and spas in Las Vegas. He built one of the largest salon and spas in North Las Vegas. He stated if he had received this much opposition to his business, he would not have built it. Five hundred fifty (550) people signed a petition against this item. He stated there would be traffic constantly coming in and out of a two lane road, and did not want this in his backyard. He believed this was not the place to do this.

Steve Katten, 1983 Beckwood, North Las Vegas, spoke in opposition to this item. Mr. Katten displayed a video of signage advertising Carl's Jr. products, and stated this would be the sense of arrival to a master planned community. He said this example would be the reality [not the drawings presented]. He stated the issue regarding a minor change needs to be tested somewhere in the courtroom to see if this is actually a minor change. Is this the precedence we want to set for the City with respect to minor changes. Mr. Katten questioned that destroying a building and constructing two new buildings was a minor change. Mr. Katten discussed the special use permit and stated

the proposed use was not necessary, as there were fast food restaurants in the area. It was not desirable. There are 900 people who signed a petition stating they did not want this in the area. He read that such use under the circumstances would not be detrimental to the health or safety. He stated this was a bottleneck. The ducks cross and traffic backs up. If we are going from a B to a C rating, that is injurious. That lowering is attributable to this. He stated he felt they were not being heard. He stated there was a representation made to Mr. Dapper before this went public that this project was okay. Mr. Katten stated there were other places to build Carl's Jr. and Capriotti's, but not in this particular location.

Venessa McEvoy, 3804 Kilgores Rocks Ave., North Las Vegas, spoke in favor of this item, and is a long time resident,. She is an employee of Capriotti's. Ms. McEvoy stated this would be a flagship location for Capriotti's and would bring in families to a sit down restaurant where they could enjoy the area with their families. Ms. McEvoy referenced the petitions and stated when considering the household count it is less than ten percent of the households, and was not a big representation of the entire community. She questioned whether this was the majority or the loudest voices speaking.

Chairman Stone acknowledged Councilman Barron in attendance.

Bruce Evans, 8109 Bronze Treasure Ct., Las Vegas, Vice President/Development for Capriotti's, spoke in favor of this item. Mr. Evans stated Capriotti's was about family and community. Mr. Evans stated Las Vegas was their home, and wanted to be part of the community.

Dennis Watts, 3604 Amish Ave., North Las Vegas, spoke in favor of this item, and is an employee of Dapper Companies. Mr. Watts stated the welcome center was intended, permitted and utilitied for a restaurant. This was a good restaurant location from a practical sense. Mr. Watts stated they would not have a freeway sign and would have low rise signs. He stated the site's development potential and the traffic that was already on Aliante Parkway was right for this type of restaurant. During a [neighborhood] meeting they were told this would cause bad traffic, but they would like a Cheesecake Factory. Mr. Watts stated the traffic this restaurant would bring would be astronomical compared to the proposed two uses, which feed off the traffic that exists. People do not drive 20 minutes to go to a Carl's Jr. Some people wanted the ducks to go away because of the amount of excrement, and others wanted them to stay. Mr. Watts stated the area was not dense enough to support restaurants such as P.F. Chang's -- to the north and east was vacant desert and in twenty years when the site was full it would be right for a Cheesecake Factory. He stated there was no data to support this would negatively affect home values.

Jim Higgins, 7000 Arcadia Creek St., North Las Vegas, spoke in opposition to this item, and addressed the amenities that already existed in the area. Mr. Higgins stated he created a three minute driving radius. If you went down the 215 and 5th there is a

McDonald's, In N Out Burger, Sean Patrick Pub and Grill. On Decatur and 215, there is a Goldfinger's Bar and Grill, Hawaiian B-B-Q, Port of Subs, Little Dumpling Chinese and Thai Restaurant, Geisha House, Dickey's B-B-Q, Roberto's, Julio's Pizza, McDonald's, Chili's, Café Rio Mexican, Starbucks, Subway, Panda Express, Ci Ci's Pizza, Firehouse Subs, El Pollo Loco, Teriaki Madness, and a Burger King. Across the street at the Smith's Center there is a Starbuck's, Domino's Pizza, Arby's Sandwich, KFC, Sierra Gold Tavern, Rocco's New York Style Pizza, Rocco's Italian Restaurant, Subway Sandwich Shop, Waffle Shop, China A-Go-Go; a Sushi place, Papa Murphy's Pizza, Smith's (which also has a Starbuck's inside). If you go toward Centennial down Aliante Parkway, there is a Roberto's Taco Shop, a pizza place, Hungry Howies Pizza, Five Star Tavern, a Japanese restaurant. The Casino has a Farm Restaurant, the Market (inaudible), T.G.I. Friday's, Salt Lime Mexican Restaurant, Capriotti's, and a buffet. There are approximately 54 restaurants in the area, and people have choices. We do not need it.

Karen Mulawski, 2205 Barhill Ave., North Las Vegas, spoke in opposition to this item. She did not want Dapper Development to demolish the existing structure at Aliante Parkway and Nature Park Drive. She stated the City planners did a wonderful job in creating an oasis of beauty at the northern boundary of the City. She stated it would be sad to see their efforts destroyed, along with the building. The Aliante Library is located at the south end of Nature Discovery Park. City officials consider this location to be one of the most attractive in the City. The unique appealing shape and architecture style of the library is echoed in the structure at the opposite end of the park. She stated the two buildings are a pair, bookending the park. Destroying one to build another cookie cutter, fast food structure with a drive-through scorns the work of the original developers and City planners. The building's previous tenants, a community church, have been forced out by the owner so that he can demolish it. Concerned Aliante homeowners want to find a use for the structure that would satisfy the needs of the property owner, the City of North Las Vegas and the homeowners. We will welcome and support a family-friendly business or agency to occupy this building. We think the building would make a wonderful community center. Do not let the building and surrounding open space be demolished. Please preserve the beautiful oasis; give us time to find an alternative. There are multiple Capriotti's and Carl's Jr. restaurants in this area, but there is only one site like this. Ms. Mulawski said please help us not to destroy this beautiful area.

Dan Mulawski, 2205 Barhill Ave., North Las Vegas, spoke in opposition to this item, and wants to preserve the buildings at the corner of Nature Park Drive and Aliante Parkway, the landscaping and open spaces next to it. Mr. Mulawski asked for a moratorium on the development of this space until the citizens group can work with the City and developer to explore other options for use of the property. Craig Ranch Regional Park is an example of how to preserve space. The land was saved from development by the City of North Las Vegas, having the City purchase the site from the former ranch golf course, using Southern Nevada Public Land Management Act funds. SNPLMA allowed the Bureau of Land Management to use money from a special

account available for parks, trails natural areas, capital improvements, conservation initiatives, and multiple species habitat conservation. Mr. Mulawski asked for a moratorium on the destruction of the building and the ripping out of the trees, shrubs, grass, until the citizens groups have the time to explore how to save the space and building that mirrors the public library. Multiple species of fowl reside in Nature Park, across the street, in the shrubs and on the property. If the City acquired the property, it could become part of the park. The building itself could be made into a community center, which could be operated by the City or by private and non-profit organizations. The developer is not proposing to build a fast food restaurant on open dirt lots. He is proposing to destroy the building with the beautiful landscaping that serves at the entrance to their community. The traffic study is flawed and needs to be repeated. Mr. Mulawski proposed a complete, comprehensive traffic study be done over the next few months, which would allow them time to propose better use for the property.

Michael Haupt, 7821 Homing Pigeon St., North Las Vegas, spoke in favor of this item. Mr. Haupt stated he loved North Las Vegas and his son went to this park. He said he would like to see a business owner come into North Las Vegas and succeed, who would build and develop things that would be eye catching and bring new families to the park.

Colby Hayes, 7821 Homing Pigeon St., North Las Vegas, spoke in favor of this item. He recently retired from the Marine Corp and receives 100% disability. He lives in Aliante and visits the park every day. He said there is a Von's shopping center and Smith's in the area. He said development needs to happen in order for North Las Vegas to grow.

James Bacon, 533 Rancho Del Mar Way, North Las Vegas, spoke in favor of this item, and is a 17-year North Las Vegas resident and a Carl's Jr. manager. He stated we need to bring businesses to North Las Vegas to help the economy. He has worked for Carl's Jr. for 20 years.

Kenyatta Robinson, 2917 Tropicbird Dr., North Las Vegas, spoke in opposition to this item. Ms. Robinson stated she was a board member of the Aliante Master Association, which represents 6,600 homes. Ms. Robinson stated she was not there as a board member, but as a homeowner. She purchased her home 11 years ago in a master planned community, and stated the plan is being corrupted and changed. She stated this was unacceptable. She stated the change reduces the value and livability of the community, and requested the Planning Commission deny the request. Ms. Robinson stated she did not have anything against Capriotti's or Carl's Jr., but did not like the location. If this was the original plan of the developer, they would not be here right now asking for a special use permit. She stated she did not know if a cannibalization study had been done. She stated she would like a moratorium because an environmental study had not been done. No one was taking into account what would happen if the Commission allowed the destruction of their nesting, mating, and living areas. Ms. Robinson stated one of the reasons the office buildings were not rented was

because they are not advertised. Ms. Robinson addressed the comment that the 600 signatures collected only represented a small percentage, and said they were collected in a short amount of time. If they had more time, they would have collected more signatures. Ms. Robinson asked that the Planning Commission deny this request, that it is not wanted, needed or intended to be in this location.

Erin Guidera, 6933 Arcadia Creek St., North Las Vegas, spoke in opposition to this item, and resides in the Autumn Ridge community. Ms. Guidera discussed the entrance as being the only one into Springdale, and asked the Planning Commission to consider the inconvenience and traffic congestion this would create. Ms. Guidera stated most of the 900 signatures came from Autumn Ridge and Springdale residents. She does not want this at the corner of Aliante and Nature Park Drive, it is a one lane road. This invites people to come down the road and there is the potential they can enter into the gated community. She addressed the traffic study and stated it different from Craig Road. She said she would like the traffic study done when there is a soccer tournament or event at the park.

Richard Haur, 2637 Rue Montpellier, Henderson, spoke in favor of this item, and has been with Carl's Jr. for 46 years. He said they provide growth, opportunity and create jobs.

William Thorson, 4541 Terra Rosa Dr., Las Vegas, spoke in favor of this item, and said he has lived in the valley since 1962, and in several areas. He has witnessed growth, and said cities have to grow or they would die. He started with Carl's Jr. in 1979 at the Lake Mead and McDaniel location.

Leonard Ambrosino, 7517 Allan Abraham St., Las Vegas, spoke in favor of this item, and is a general contractor who hoped to build this project. Mr. Dapper gave him his first opportunity to build a building approximately four years ago. He spoke in support of Mr. Dapper, who gave him the opportunity to create a lot of jobs, which would include employment of North Las Vegas residents. He stated there would also be long term community jobs. He also spoke in favor of Steve Larson, who is a great corporate citizen. Mr. Ambrosino said the very loud minority has over shouted the reasonable majority.

Fay Grover, 2250 E. Flamingo, Las Vegas, spoke in favor of this item, is employed by Carl's Jr. and has known Steve Larson for approximately 20 years. He stated Carl's Jr. employs young people and promotes from within. Their employees come from the neighborhoods around the Carl's Jr. locations. Mr. Grover stated Carl's Jr. was a good neighbor. There are 3,000 Carl's Jr. and Hardees restaurants in the country, and seven in the entire nation achieved the Operational Excellence award. Four of them were with his group – two of them are located in North Las Vegas. The average audit that receives a perfect audit is five percent (5%). Over the past three years, the average restaurant receives three audits per year, and 45% of their restaurants had perfect audits. Mr. Grover said we will be a good neighbor and win them over.

Cristhiano Barbosa, 7090 Arcadia Glen Ct., North Las Vegas, spoke in opposition to this item, and is a Springdale resident. Mr. Barbosa stated there were already amenities across the street, and there are over 54 in the area. Mr. Barbosa stated the property is not vacant. The church is going into the office building. He stated there was already a Capriotti's and Carl's Jr. in Aliante. He felt that Carl's Jr. was trying to bully the residents into accepting them in their community. Mr. Barbosa stated the reason they were there was because of the drive-through. Mr. Barbosa displayed a picture of the traffic, children picking up a ball in the street, and geese crossing. Mr. Barbosa asked for the Planning Commission's support in denying the item.

Chairman Stone closed the public hearing.

Robert Gronauer stated several months ago, there was conversation in the newspapers and in the media about the City of North Las Vegas going into bankruptcy. The leaders of North Las Vegas reached out to the development community. One of the objectives was to bring more commercial development into the City. Mr. Dapper spent millions of dollars south of the park on another project. The City's traffic expert stated putting the project in would not increase traffic and there would be no adverse impact. Mr. Gronauer stated Carl's Jr. and Capriotti's being built will not have a negative impact on the geese issue, they will be there no matter what. Mr. Gronauer stated Mr. Dapper works with the church and they are going into a building and will be paying less in rent, and it is a better situation for the church. The traffic study was submitted and discussed a Level D service is acceptable and this would be a Level C. Mr. Gronauer asked the Planning Commission to follow staff's recommendation for approval.

Commissioner Kraft confirmed with Ms. Rudd Sanchez all developers had to comply with Federal law concerning matters pertaining to geese, and was a condition of approval.

Commissioner Kraft asked Mr. Gronauer about improved landscaping along Aliante Parkway. Mr. Gronauer stated there was a 15-foot area with improved landscaping to provide additional buffering. Mr. Gronauer will explore the opportunity of an additional berm, as requested by Commissioner Kraft.

Commissioner Kraft asked what the typical sales tax revenue a Capriotti's or Carl's Jr. would generate annually. Mr. Gronauer responded stores that generate \$1 million to \$1.5 million in sales pay approximately \$127,500. Commissioner Kraft confirmed with Mr. Gronauer the locations would be subject to modified business tax, and asked how much they paid in modified business tax per year, and Mr. Gronauer responded he did not have the information available.

Commissioner Perkins asked staff to discuss the difference in traffic generation between a sit-down restaurant and a Carl's Jr. Alyssa Rodriguez, Traffic Engineer, responded trip generation rates are lower for a sit down restaurant; however a sit down

restaurant is typically larger. Ms. Rodriguez estimated the traffic generated would be the same.

Commissioner Perkins asked Reverend Jenkins about the move from the Visitor Center. Reverend Jenkins said the rent was \$3,000 more, and the improvements the church had to pay in order to move were approximately \$40,000, just to go across the parking lot.

Reverend Jenkins said the pastor was a licensed clinical psychologist who wanted to have a youth center, with a counseling center on the upper floor. They were told it was a confidential sale. Commissioner Perkins asked if the church would be able to buy the property back at this time and Reverend Jenkins stated they were a church in two locations and about to have a third. She said it may be possible at some future time. They are in a 10 year lease.

Commissioner Aston stated comments had been made regarding the effects of the economy on the residents of North Las Vegas. He has been a resident of North Las Vegas for most of his life. He had concerns about the financial stability of the City of North Las Vegas, as did the City Council. The current City Council is actively seeking businessmen and developers to attract people to bring business into the City.

Commissioner Aston stated he understood concerns regarding how lifestyle is affected by change. The community center is not owned by the City of North Las Vegas, but by an individual who put in an application for a special use permit for a drive-through.

Commissioner Aston supported growth and development because he felt it was best for the City.

Vice-Chairman Ewing stated he bought his first home in Phase 1 of Eldorado in 1990, and had to go to Rancho to go shopping. Development has enhanced property values. He stated everything creates traffic. When the vacant building becomes occupied that will generate more traffic than Carl's Jr. would. He did not know what people wanted that would not create traffic issues. He was in favor of development.

Chairman Stone reminded those in attendance they were a land use board. Capriotti's is allowed by right. Any restaurant would be allowed by right. Carl's Jr. would be allowed by right if not for the drive-through. The drive-through is what triggers the use permit.

Chairman Stone asked about landscaping along the drive-through, and if it would come back to the Planning Commission. Mr. Eastman advised this would be addressed administratively during the building permit process. The landscape plans would have to be reviewed and approved against the landscape standards that are in the Aliante development standards.

Chairman Stone referenced the Planning Commission requested edge landscaping

along the drive aisle, and Mr. Gronauer confirmed this was their intent.

Chairman Stone asked Ms. Rudd Sanchez to review the options for the applicant and residents with regard to appealing this item, whether the application was approved or denied. Ms. Rudd Sanchez stated the special use permit is final action at the Planning Commission, unless it is appealed. The parties that would have standing for an appeal would be staff, the applicant or any members of the public who spoke tonight. We have to show they were in attendance to show they have standing to appeal the item.

Ms. Rudd Sanchez stated the form to launch the appeal is with the City Clerk's office and must be filed within seven calendar days from the December 10, 2014 Planning Commission meeting.

Commissioner Joiner-Greene stated she was born in Las Vegas, and grew up in North Las Vegas. She visits the park, and was in support of this project for economic growth reasons.

Commissioner Acevedo has lived in North Las Vegas since 1999, and currently lives in Aliante. He reference the Smith's agenda item regarding gas pumps on their parking lot and stated they came to the Planning Commission five or six years ago. At that time, someone approached him with a petition opposing a gas station in front of Eldorado. Five years later, no one came to speak on this issue. When the master plan was developed, we were in growing times. We have to look at the intent of the board, which is to consider land use, and how it would prosper the City. All indications are this would be a good fit for the community.

Commissioner Kraft said he has lived in Aliante since 2006. He and his wife purchased their house, and then the next week the bubble burst. They have seen the peak and bottom of the market. They have chosen to stay in Aliante. There are plenty of people in the neighborhood who have walked away from their homes. He attended the Town Hall meeting at Aliante that Mr. Gronauer and Mr. Dapper held. He also attended Mayor Pro Tempore Wood and Councilman Wagner's Town Hall at Sun City Aliante. He talked to numerous people in the neighborhood, and responded to email concerning this item. It was the largest volume of email concerning an issue that he received.

North Las Vegas receives a smaller portion of the consolidated tax than other jurisdictions of a similar size. Because the formula distributes these funds to municipalities based on the assessed value of their property, typically commercial property is assessed at a higher rate than residential property. Commissioner Kraft stated we are a bedroom community and have limited commercial and industrial development. For the current tax year, the only revenue this parcel generated was \$6,371 in property taxes. Per Mr. Gronauer, an additional \$255,000 in sales tax revenue that would go to the state and come back to the community. This would not be passed to residents as a higher property tax. We pay the highest property tax in the valley. We know that with these improvements the assessed value of the property would go up.

Capriotti's is the perfect stepping stone to getting a sit-down restaurant. Commissioner Kraft reiterated this is a land use body and supported this item.

Mr. Eastman provided recommended language for Condition No. 5, as stated below, and the applicant accepted the condition.

ACTION: APPROVED PER STAFF RECOMMENDED CONDITIONS AND ADDED CONDITION NO. 5, PLANNING AND ZONING:

Added Condition No. 5 to read as follows:

Landscaping shall be enhanced between the drive aisle and the property line with trees and shrubs to provide an 80% ground coverage.

MOTION: Commissioner Perkins
AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft
NAYS: None
ABSTAIN: None

The public comments listed below were heard during the first session of Public Forum at the October 8, 2014 Planning Commission meeting, and brought forward per Chairman Stone's request.

Steven Katten, 1983 Beckwood Ct., North Las Vegas, spoke regarding a minor modification to the Aliante Development Agreement, and wondered why it was considered a minor modification, and how it was considered as such. He asked what the legal parameters were that defined what a minor modification was or was not. He stated no one was ever notified and asked why, and asked if someone could look into this. He did not believe it was a minor modification to change a professional/office commercial to a convenience food restaurant. He did not believe this to be the intent in the Development Agreement to have commercial restaurants at the intersection of the Aliante Community. He requested an opinion regarding this matter by the December 10, 2014 Planning Commission meeting.

Debra Bredican, 2805 Ground Robin Dr., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Joyce Cienki, 7356 Shelduck, North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Lee Kaaindni, 2404 Carrier Dove Way, North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Yolanda Palomo, 7090 Arcadia Glen Ct., North Las Vegas, lives in the Springdale community. The proposed location would be right by her gate, and she was opposed to a drive-through being by Nature Park Drive. She thought it would impact traffic and be a danger to children. She stated another Carl's Jr. was not needed in the neighborhood. There is one on Ann Road and also on Craig Road. She stated she did not receive notification about the change and wanted to know about the December 17, 2013 letter that approved the change.

Barbara J. Jenkins, 7056 Pale Topaz Lane, North Las Vegas, is a member of the Aliante campus. The New Antioch church is being displaced because of the secret purchase of the fast food chain. She is at the church four days per week. The birds, ducks, rabbits, and wildlife live on the premises. She said to tear it down would be a shame. There is a safety issue. They have learned to accommodate the wildlife from 7:00-8:00 each morning that she is there. She is concerned about it being torn down for a fast food restaurant that would destroy the animal's habitat. They are in the process of occupying 2550 (partial address given), with the intent of 2600 (partial address given) as a youth center and tutorial. Since the site was purchased unknown to the church, they found out about it after the fact and asked about who purchased it and said it was a secret purchase. She said it did not show good faith in her opinion. Because of the egress to the parking lot, and the destruction of the habitat for wildlife, it was not a good plan. She liked Carl's Jr., but did not like the location.

Dan Mulawski, 2205 Barhill Ave., North Las Vegas, opposed the construction and variances for Carl's Jr. He said there were safety issues with coming in and out of the gates for Aliante and Springdale. He believed by adding the restaurant, traffic would increase and cause the gates to be blocked. It is difficult coming out of that street now because of the traffic, and this would just increase it.

Karen Mulawski, 2205 Barhill Ave., North Las Vegas, submitted pictures she took at the intersection on Saturday. The parking lot was full where the kids were playing soccer. People were parked along and across the street, and children were also crossing the street. The existing building matches the library, and is a beautiful building. Ms. Mulawski said to tear it down would be very sad.

Gina Witz, 1916 Nature Park Dr., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Marisa Kagan, 7108 Manzanares Dr., North Las Vegas, stated she was hesitant to state all points at this time, as it would give them two months to rebut it. She stated there were 479 on-line signatures for a petition in opposition and an additional 261 signatures which were gathered from those who lived in the neighborhood. There was a neighborhood meeting on Monday, and she felt the developer feels abused at this point. She stated she had nothing against development, and was all for capitalism. She is a real estate agent. They wanted to find something that would generate revenue for the City in the right way. She believed the focus should be on the master plan, and

fulfilling the vision of Aliante – the vision they bought into, the vision where some are \$300K-\$400K underwater. It would be a disgrace to further devalue those homes by putting a drive-through in their driveway. Aliante is a small community with 6,600 residents. They love it there and did not want to see it damaged.

Patrick Porterfield, 7137 Pipers Run Pl., North Las Vegas, stated he would speak at the December 10, 2014 Planning Commission meeting.

Cindy Jackson, 2217 Coral Mist Pl., North Las Vegas, spoke regarding minor modifications. She asked for accountability from Mr. Fiori since he was allowed to approve this modification. She stated her research shows that the standards are common across the country whether it is in a conservative free market state such as Tennessee or more stringent state such as California. Ms. Jackson submitted examples of minor modifications to the Planning Commission from Tennessee and California. Changing paint color, adding a gate or patio, landscaping and cosmetic improvements were considered minor modifications. Such modifications are consistent with and do not alter the character of the approved development, including the uses, layout and relationship to adjacent properties depicted on the special permit plan. A special exception plan, a conceptual plan, a development plan, final development plan, or proffered generalized development plan. Such modification is consistent with any proffered or imposed conditions that govern development on the site. Such modification is in accordance with the requirements of the zoning ordinance.

Ms. Jackson stated she thought the reason Dapper Development chose to go the route of minor modification was because they require no notification to the neighbors, no signage requirement, and leaves the least chance for opposition. Ms. Jackson stated this is what happened with the 7-11 and the Firestone.

Ms. Jackson discussed demolition and suggested it be demolished since it went up without them. They would like to see approvals for any other minor modifications in the past or present, including The Dairy Queen. Any modifications are Aliante, Decatur, Farm, Pecos and Craig. Ms. Jackson said this is a precedence to minimize your power, to say that you are not really in charge, and not paying attention. She requested the Planning Commission reserve time at each meeting to review any minor modifications in the future, to clarify the status and to include exactly what kinds of things would be covered, and that they be reviewed. It is not right for these types of things to be rubber stamped.

Kenyatta Robinson, 2917 Tropicbird Dr., North Las Vegas, stated she did not like the way the whole thing was handled, including the neighborhood meeting held this week. She wanted to know who they notified, and how they got the list. The Planning Commission required them to hold a meeting. The people who are impacted the most did not get notified.

Ms. Robinson stated his attempts were disingenuous, and he should again be required to notify everyone who is affected, not just the ones he selected. Ms. Robinson said she was notified and is across from Aliante Parkway. She said there were people at tonight's meeting who practically lived next door who were not notified of the neighborhood meeting. She said they did not need this Carl's Jr. and said it would devalue properties. She is a real estate agent and broker, and does price opinions for banks. She said this is not adding to the neighborhood to have a Carl's Jr. that can be seen from the freeway. She asked the Planning Commission to consider how unhappy their constituents are. She said the developer and Planning Commission needed to be held accountable.

Rhoda Llamdo, 2159 Coral Mist Place, North Las Vegas, is a homeowner in Springdale development who opposed the special use permit request. The drive-through would not be good for the safety of their children and wildlife. She stated she loves Aliante and her neighbors, and enjoys the amenities such as the park outside her development. She said to put a drive-through across from the park would invite traffic and safety issues and home values would decline. She was not opposed to developing the restaurant in the area that it was originally zoned for, but the special use permit for the drive-through was not how it was zoned. She wanted a family oriented restaurant that all locals could be supportive of. She asked the Planning Commission to listen to the homeowners and asked that they deny the permit request.

John Alba, 6703 Tufted Duck Way, North Las Vegas, is an 11-year resident of Aliante. He visited the area in question and stated the Planning Commission's decision to zone the area for professional office commercial district was a wise choice for that location. If the zoning is maintained for those lots, we are maintaining the integrity of the vision of Aliante and park area. To move away from that to something else, would be going in the wrong direction.

Kathryn McAninch, 7077 Arcadia Glen Ct., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, stated he would speak at the December 10, 2014 Planning Commission meeting.

Jasmine Hooper, 1867 Nature Park Dr., North Las Vegas, stated having a Carl's Jr. across the park was a big safety issue because of the children and their families and animals. Putting in a drive-through would endanger the geese. There is a church occupying the building, and tearing it down and taking up the space was not right. Ms. Hooper said it would not be a good idea.

Alice Moore, 7233 Millerbird St., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Vicki Schroeder, 1880 Albatross Ave., North Las Vegas, stated there was a lack of communication regarding notification. Her concern was for the children who play there and the animals, and also because it was a huge migration area. The geese migrate across the road. She said the Canadian Geese are protected by law. She said by putting a fast food industry there, they would get hit. She stated there were nesting areas established on the other side of the road.

The public comments listed below were heard during the September 10, 2014 Planning Commission meeting, and brought forward per Chairman Stone.

Krysten Porterfield, 7137 Pipers Run Pl., North Las Vegas. Mrs. Porterfield stated she was concerned the City was disregarding the Aliante master planned community and choosing the interest of B-List or junk businesses over the needs and wants of the residents who pay taxes, SID and HOA fees. Mrs. Porterfield asked what the City's intention was for this master planned community and what the benefits are for the community by bringing in fast food drive-throughs in the heart of Aliante, and with a park across the street from it.

Mrs. Porterfield collected 40 signatures (within a few hours) from residents who are in disagreement with this action. She stated if she had additional time she believed she would have 100% disapproval from her neighborhood and the Autumn Ridge community.

Mrs. Porterfield discussed two 7-11 convenience stores within a half mile of each other, as well as the possibility of a Dotty's going in across from the library, which is between an elementary and middle school.

Mrs. Porterfield submitted a petition for the record.

Patrick Porterfield, 7137 Pipers Run Pl., North Las Vegas, is the husband of Krysten Porterfield. He recommended the Planning Commission disapprove the application. He accompanied Mrs. Porterfield when she gathered signatures, and stated he could get 100% of the Autumn Ridge community, Springdale community, parts of El Dorado and Aliante.

He stated Aliante was a beautifully master planned community, and was not opposed to the Carl's Jr. business. He stated there were other locations in which the restaurant could go. He stated wildlife (geese, ducks, rabbits, turtles, quail and roadrunners) crossed Nature Park daily, 2-3 times per day, and they stop traffic.

He did not believe a traffic study would support (without major renovations) to give that capacity to a drive-through, with the randomness of the people who would go through the area.

Mr. Porterfield stated the wildlife would have more reason to cross the road and would be at risk. There would be traffic problems during the weekends, when the children had soccer games.

The trash would also pose an issue. Having a restaurant at that location would be bad for the park, as there were existing problems with the park not being maintained.

Mr. Porterfield stated he wanted to maintain the park and master planned community in the condition for which it was intended.

Jill Petty, 7073 Arcadia Glen Ct., North Las Vegas, stated although she liked Carl's Jr., she did not want it at the entrance to her subdivision. She would like to see a traffic study with and without these businesses. Currently, the statistics of accidents at the intersection of Aliante and Nature Park Dr. are distressing. She recommended a left turn only lane, and the right lane be straight or right turn only. She was also concerned about the hours of operation for the businesses. She stated she would like to see a church on that corner because it was more of a community feel. She shared concerns about the geese, and stated they did not need additional reasons to cross the road. She was concerned about the clientele; i.e. fast food versus family restaurants. She was concerned about the health hazards due to the numbers of geese in the area.

Ms. Petty stated this [restaurant] would decrease the value of the homes in the master planned subdivisions. Ms. Petty agreed the park has gone downhill with graffiti, fights, and increased traffic during the evenings when the park is supposed to be closed.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, stated he did not live in the area, but over the past six years he has driven by the park hundreds of times. He has gone into the park a number of times, and appreciates how well the park is kept up. He is leaning toward opposing the project because on the west side of Aliante Parkway there is a large Smith's shopping center, a Domino's, a KFC, an Arby's and a Subway sandwich shop. He stated throughout the year, the ducks migrate to the other side of the street, and sometimes as far as to the Interstate 215 overpass and to Aliante Casino. He assumed most of the traffic would be coming in on Nature Park, and not off Aliante. He was concerned about the ducks being run over or attracted to the smell of food. He thought people might have the tendency to bring fast food back to the park and feed the ducks, which might create a health issue. He was also concerned about children and infants who frequent the parks. He was concerned about the children crossing the street, and into the driveway entrance. He stated there were a number of fast food choices on the west side of the street. The east side of the street was family-oriented and had a park and library.

Marisa Kagan, 7108 Manzanares Dr., North Las Vegas, is a previous Vice-President to the Aliante Master Association and has been involved since 2010. She stated she purchased her home at the low end, and that Aliante was built at the height of the market. She stated there were many residents that were original homeowners. She

discussed the number of residents in Seville/Bel Etage subdivision (227 homes). The homes sold for over \$700,000 and are now valued at \$300,000. She stated as homeowners they are asked to sign paperwork concerning guidelines for Aliante Master Association. The purpose of the document was to ensure a consistent standard quality throughout the village.

Ms. Kagan attended the last Aliante Master Association meeting, and this item was not on the agenda, and they were not asked for an opinion. She contacted Mr. Eastman, who advised they were required to notice 500 feet from the proposed site. Ms. Kagan stated this would include Smith's parking lot, the park and possibly some residents in Springdale subdivision.

Ms. Kagan presented an on-line petition with 55 signatures of people not living in Springdale, or the street affected, but on the other side of Interstate 215, who represented the families and those who use the park.

Ms. Kagan stated the duck and geese cross the road more than three times per day.

Ms. Kagan also submitted the Aliante Association guidelines, which state the lot was to be used for office use.

Ms. Kagan asked the Planning Commission to postpone the agenda item, and have the Aliante Master Association provide input so that the Planning Commission could receive input from the homeowners.

Kenyatta Robinson, 2917 Tropic Bird Dr., North Las Vegas, is a board member of the Master Association and also the Estates (one of the sub-associations). Ms. Robinson stated it really bothered her that none of them were notified. She stated the first time they heard of this was a few weeks ago, and it did them a disservice with the community. She said it felt like someone tried to slip something in on them. She stated this would impact her neighborhood, and would devalue it. She stated notice should go out to the people who are impacted, and allow people to attend and give their opinions.

Ms. Robinson requested the Planning Commission not make a decision tonight and give people an opportunity to gather signatures, so that the Planning Commission would know what the constituents wanted.

Chris Barbosa, 7090 Arcadia Glen Ct., North Las Vegas, lives in the neighborhood, and was surprised to hear there was no opposition from the Planning Department. He reviewed the map of the area. He stated there were already fast food restaurants in the area, and this would cause a major problem for the geese, and a major safety issue for children.

Mr. Barbosa requested the traffic data for the intersection. He stated the accidents that have happened when people are exiting Interstate 215 are pretty violent. There have

been over 18 accidents since 2011. He was concerned about the increase in traffic as a result of the drive-through. He was also concerned about the wildlife, and stated those who did not live in the area would not be as concerned about it as those who lived there. He stated a fast food restaurant would deteriorate the value of his home, and it would not increase. He did not understand why Capriotti's was not up for a vote. He stated it is a sandwich shop and not a sit down restaurant. He asked the Planning Commission to delay their decision until they could gather more signatures. He stated no one in Autumn Ridge or Springdale will support this.

End of public comments from prior Planning Commission meetings held September 10, 2014 and October 8, 2014

Resume December 10, 2014, Planning Commission meeting minutes.

Chairman Stone announced a five minute break at approximately 9:12 p.m. Chairman Stone reconvened the meeting at approximately 9:17 p.m.

21. SPA-01-14 (48727) ANN LOSEE VILLAGE 3 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARMONY 461 LLC, PROPERTY OWNER, FOR AN APPEAL OF A DECISION UNDER TITLE 16 CONCERNING DEVELOPMENT WITHIN AN EXISTING PUD, PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-513-001 THROUGH 124-35-513-092 AND 124-35-595-003. (FOR POSSIBLE ACTION) (CONTINUED JUNE 11, JULY 9, AND OCTOBER 8, 2014)

ACTION: CONTINUED TO FEBRUARY 11, 2015

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins, Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

22. ZN-98-04 (48725) ANN LOSEE VILLAGE 3 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARMONY 461 LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO REMOVE THE REQUIREMENT TO CONSTRUCT A FLOOD CONTROL FACILITY. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-513-001 THROUGH 124-

**35-513-092 AND 124-35-595-003. (FOR POSSIBLE ACTION) (CONTINUED
JUNE 11, JULY 9, AND OCTOBER 8, 2014)**

ACTION: CONTINUED TO FEBRUARY 11, 2015

MOTION: Commissioner Kraft

AYES: Chairman Stone, Vice-Chairman Ewing, Commissioners Aston, Perkins,
Joiner-Greene, Acevedo, and Kraft

NAYS: None

ABSTAIN: None

PUBLIC FORUM

The citizens listed below expressed their dissatisfaction with the Planning Commission's decision to approve Item No. 20, UN-30-14.

Marissa Kagan, 7108 Manzanares Dr., North Las Vegas, stated a group intended to file an appeal. Ms. Kagan stated there was \$300,000 in capitalization funds in the Aliante Master. She said she served on the board and they discussed a community center. Their plan was to approach Dapper and give him his money back, and then some. They wanted to do something that would enhance their community. Land use, not sales tax. Ms. Kagan stated the owner of Capriotti's in Aliante was in the audience earlier, but did not speak regarding this issue. Ms. Kagan stated another Capriotti's in the area would have an adverse impact on his business. Ms. Kagan said the master plan had been deviated from. Ms. Kagan stated office use was hard to rent. She said the owner was not trying to rent it because there was a third parcel that was vacant and suggested a Taco Bell could be next. Ms. Kagan stated she was disheartened, that a lot of signatures (255 and 548) had been obtained, and did not make a difference. Ms. Kagan stated the Planning Commissioners were doing what they believed was right for revenue generation, but thought they were missing the big picture about community development and building a city.

Kenyatta Robinson, 2917 Tropicbird, North Las Vegas, is concerned that the issue of the minor modification and its approval without notification to the community was not addressed. She was waiting for an explanation as to how it happened. She stated she believed the Board was doing the best they could. She said they ruined the entrance to the City. She reiterated she wanted an explanation as to how the minor modification was approved.

Pat Porterfield, 7137 Pipers Run, North Las Vegas, stated he was disappointed in the decision of the Planning Commission. He stated since the board had this item in September, they had their decision already, and did not know why they had to go through two continuances, a community meeting, and listening to everyone speak. He stated they would be appealing this item.

Chairman Stone responded the Planning Commission did not all think universally and when a blanket comment is made, it is not appreciated. They all vote with their own minds and hearts for different reasons. Chairman Stone reiterated it is a public forum, but it is not correct when a blanket statement is made.

Mr. Porterfield stated he meant no disrespect, and was just disappointed.

Steven Katten, 1983 Backwood Ct., North Las Vegas, stated he did not know why the Planning Commission just didn't say it was just about the money up front.

Commissioner Acevedo addressed Mr. Katten's comments regarding money and the implication the Planning Commission had made a predetermined choice. Commissioner Acevedo stated they requested a continuance to do additional work on behalf of the citizens. The Planning Commission is fighting for what the citizens and residents want. They approached staff and requested information so that the citizens could present their best case possible. Commissioner Acevedo stated it is not about the money. They are appointed to do a job, and are doing the best they can.

Mr. Katten stated the comment regarding already making up your mind was based on what Mr. Dapper said. Mr. Dapper said he had been given assurances prior to purchasing the property. With respect to the money, the Commission said it was about the tax revenue that you were interested in getting. Mr. Katten stated he did not hear anyone make a finding that this is a necessary or desirable facility, and that it will contribute to the general well being of the neighborhood or community. No one talked about it being detrimental to health, safety or general welfare of persons in the vicinity or injurious to property. Traffic and the bottleneck were discussed, and is a safety issue. There is also the issue about the minor modification, and no one discussed it.

Dan Mulawski, 2205 Barhill Avenue, North Las Vegas, stated when he lived in Massachusetts, they notified all the abutting properties concerning matters that pertained to them, and he had not been notified by the City of North Las Vegas, and wondered why. Chairman Stone recommended Mr. Mulawski discuss this with staff following the meeting. Mr. Mulawski suggested the traffic study be redone.

DIRECTOR'S BUSINESS

Director Blackburn thanked the Planning Commission for their diligence. He advised staff is revising Title 17 and would provide a draft for their review prior to the January 14, 2015 meeting.

Director Blackburn extended wishes for a happy holiday to the Planning Commission and staff.

CHAIRMAN'S BUSINESS

Chairman Stone thanked the Public Works staff for their assistance with the traffic study, and extended wishes for a happy holiday to the Planning Commission and Staff.

ADJOURNMENT

The meeting adjourned at 9:36 p.m.

APPROVED: January 14, 2015

/s/ Nelson Stone
Nelson Stone, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary