

**CITY OF NORTH LAS VEGAS
REGULAR REDEVELOPMENT AGENCY MEETING MINUTES**

May 3, 2006

Website - <http://www.cityofnorthlasvegas.com>

CHAIRMAN ROBERT L. ELIASON
VICE CHAIRMAN SHARI BUCK

CALL TO ORDER 5:33 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

ROLL CALL PRESENT

Robert L. Eliason, Chairman
Michael L. Montandon, Board Member
William E. Robinson, Board Member
Stephanie S. Smith, Board Member

EXCUSED

Shari Buck, Vice Chairman

STAFF PRESENT

City Manager Gregory E. Rose
Assistant City Manager Samuel Chambers
Assistant City Manager Maryann Ustick
City Attorney Sean McGowan
City Clerk Karen L. Storms
Economic Development Director Mike Majewski
Fire Chief Al Gillespie
Redevelopment Manager Larry Bender
Chief Deputy City Clerk Anita Sheldon

WELCOME Chairman Robert L. Eliason

VERIFICATION Karen L. Storms, CMC
City Clerk

AGENDA

1. **APPROVAL OF THE REGULAR REDEVELOPMENT AGENCY AGENDA OF MAY 3, 2006.**

ACTION: APPROVED

MOTION: Board Member Smith

SECOND: Board Member Robinson

AYES: Chairman Eliason, Board Members Robinson and Smith

NAYS: None

ABSTAIN: None

PUBLIC HEARING - 5:30 p.m.

2. **UN-18-06 (RAINBOW BRIGHT); AN APPLICATION SUBMITTED BY LYDIA CARTER ON BEHALF OF VEGAS VIEW CHURCH OF GOD IN CHRIST, PROPERTY OWNER, FOR A USE PERMIT IN AN R-A/FA REDEVELOPMENT AREA/FOCUS AREA SUBDISTRICT TO ALLOW A CHILD CARE CENTER, ON PROPERTY LOCATED AT 1906 GLIDER STREET, A.P.N. 139-23-310-030.**

City Manager Gregory Rose advised he had received a request from the attorney representing Jerry's Nugget requesting this item be continued for 30 days. An unidentified male speaking on behalf of the applicant stated the applicant did not wish to continue the item but wished to move forward. He felt the request for a continuance was because Jerry's Nugget wished to purchase the property and the continuance was a stall tactic to seek ways to secure the property.

Planning and Zoning Director Jory Stewart explained the applicant did appear at the Planning and Zoning Department with a request for a child care facility. At that time it was determined by Staff the request could not be supported because it would be an expansion of the church which currently was a nonconforming use in a Redevelopment Area (R-A) district. The decision was appealed through a site plan appeal to the Planning Commission and, upon further consideration, the Planning Commission determined the business was separate from the church and, therefore, not an expansion of a nonconforming use. As a result, the request was considered and approved by the Planning Commission which opened the door for the applicant to come forward with a request for a use permit. At that point it was reviewed by Planning Staff as a use permit for a child care facility, which was a permitted use in the Redevelopment Area district, and the Planning Commission recommended approval.

John Delikanakis, Snell & Wilmer, 3800-1000 Howard Hughes Parkway, Las Vegas, appeared on behalf of Jerry's Nugget. He advised his firm was recently retained and requested the continuance to become familiar with the issue; however, he stated he was agreeable to moving forward and felt there was sufficient evidence to indicate a child's playground abutting the parking lot of a casino was not appropriate.

Board Member Robinson questioned if Mr. Delikanakis was familiar with the property in question because most of the ingress and egress was facing Las Vegas Boulevard. Mr. Delikanakis stated he was familiar enough with the property to realize Jerry's Nugget traffic would pass directly past the back yard playground of the day care center.

Peter DeMangus, 1821 North Las Vegas Boulevard, North Las Vegas, represented Jerry's Nugget and stated much of his client's traffic traveled between North Las Vegas Boulevard and Glider Street into their parking lot, to Glider Street and Fifth Street and from the front door to Las Vegas Boulevard. His major concern was that the church had not demonstrated over the past 10 years any necessary capital improvements to enhance their property, specifically the wall surrounding the property. Mr. DeMangus was concerned that if a child were to wander out of the play area into Jerry's Nugget parking lot, he or she could be injured. He was also concerned about the Washington Continuation School which housed at-risk students located in close proximity to the proposed day care center. In response to the allegation made by the applicant's representative, Mr. Delikanakis advised his client was no longer interested in purchasing the church property. He stated his client's only concern was for the safety of the children and how it directly impacted Jerry's Nugget.

Board Member Robinson commented the longevity of both properties precluded any separation and stated the issue was whether or not they could co-exist. Mr. DeMangus stated if the property were going to remain solely a church, there would be no problem; however, the plan was to expand the property for a use that his client felt was inappropriate. Mr. Delikanakis distributed photographs of the property taken by Mr. DeMangus the previous night which depicted the potential problems that could occur, such as poorly maintained fences, unlocked gates and the exposed play yard.

The unidentified male commented that child day care centers were located throughout Las Vegas on major corners and in all the Station Casino parking lots which were governed by the Child Development Agency and the Health Department, as well as the State of Nevada. He also advised that the facility at his church had been inspected and approved by the Health Department for safety.

When asked by Board Member Robinson why there was a cyclone fence rather than a

block wall fence constructed around the property, the unidentified male responded it was not required by the Health Department.

When asked by Chairman Eliason how many children would be enrolled in the day care center, the unidentified male stated there were 15.

An unidentified female, believed to be the applicant, advised the day care center received approval from the Fire Department, child care licensing, the Health Department and the City of North Las Vegas. The unidentified male stated a Crime Prevention Through Environmental Design (CPTED) analysis had been performed on the property and the property was deemed safe.

Mr. DeMangus stated he conceded the CPTED analysis had been done but a problem was discovered with the proximity of the day care facility to Jerry's Nugget. He read an excerpt from the analysis which read as follows: "While walking the perimeter of adjoining property Jerry's Nugget parking lot, the east side wall excess materials were noted being stored. A potential intruder offender would have easy access to the day care property and children by simply jumping over one of those piles of material" which Mr. DeMangus interpreted to mean that not only was the property unsafe but Jerry's Nugget would assume any liability. He contended that for the same reason it would not be appropriate for a casino to be built in close proximity to a day care center, it would not be appropriate for a day care center to be built near a casino.

Board Member Robinson moved to approve UN-18-06 subject to Staff's and the Planning Commission's recommendations. The motion died due to the lack of a second.

ACTION: DENIED

MOTION: Board Member Smith

SECOND: Board Member Montandon

AYES: Board Members Montandon, Robinson and Smith

NAYS: Chairman Eliason

ABSTAIN: None

BUSINESS

3. APPROVAL OF REGULAR REDEVELOPMENT AGENCY MINUTES OF APRIL 5, 2006.

ACTION: APPROVED

MOTION: Board Member Robinson

SECOND: Board Member Smith
AYES: Chairman Eliason, Board Members Montandon, Robinson and Smith
NAYS: None
ABSTAIN: None

4. DISCUSSION AND/OR ACTION REGARDING APPROVAL OF AN OWNER PARTICIPATION AGREEMENT WITH LAS VEGAS CORNERS 1, LLC, IN THE AMOUNT OF \$99,000, FOR ON-SITE PUBLIC IMPROVEMENTS AT AN 80,000 SQUARE FOOT NEIGHBORHOOD SHOPPING CENTER, LOCATED ON THE SOUTHEAST CORNER OF CIVIC CENTER DRIVE AND CHEYENNE AVENUE. (CNLV CONTRACT NO. C-6316)

Redevelopment Manager Larry Bender advised this item was a companion item to the item approved by Council in September 2005 for the Cheyenne Pointe Shopping Center. That Owner Participation Agreement (OPA) focused on the exchange of the fire station for a new City facility. Manager Bender stated this OPA was the largest public/private sector partnership ever developed in the Redevelopment Agency and focused on the 80,000 square-foot shopping center. The Agency's primary obligation in this OPA was to provide the developer with \$99,000 in Agency reimbursable funds for utility improvements, landscaping, curb gutters, etc. In return, the applicant would have the shopping center completed by January 31, 2007. The only major revision in the OPA was the inclusion of a legal description that was not present when the item was posted. Staff recommended approval.

In response to a question by Chairman Eliason, the applicant stated he concurred with Staff's recommendations.

ACTION: APPROVED

MOTION: Board Member Robinson
SECOND: Board Member Montandon
AYES: Chairman Eliason, Board Members Montandon, Robinson and Smith
NAYS: None
ABSTAIN: None

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 6:01 P.M.

MOTION: Board Member Robinson

SECOND: Board Member Montandon

AYES: Chairman Eliason, Board Members Montandon, Robinson and Smith

NAYS: None

ABSTAIN: None

APPROVED: June 7, 2006

Robert L. Eliason, Chairman

ATTEST:

Karen L. Storms, CMC, Agency Secretary