

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

December 5, 2007

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

CHAIRMAN ROBERT L. ELIASON
VICE CHAIRWOMAN 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
Shari Buck, Vice Chairwoman
Michael L. Montandon, Board Member
William E. Robinson, Board Member
Stephanie S. Smith, Board Member

STAFF PRESENT

City Manager Gregory E. Rose	Library Director Kathy Pennell
Assistant City Manager Maryann Ustick	Planning and Zoning Director Jory Stewart
City Attorney Carie Torrence	Assistant Police Chief Joseph Forti
Assistant City Clerk Anita Sheldon	Public Works Director Majed Al-Ghafry
Communications Director Brenda Fischer	Redevelopment Manager Marc Jordan
Economic Development Director Mike Majewski	Utilities Director David Bereskin
Finance Director Phil Stoeckinger	Senior Assistant to the City Manager Kenny Young
Fire Chief Al Gillespie	Assistant to the City Manager Michelle Bailey-Hedgepeth
General Services Director Eric Dabney	Planning and Zoning Manager Marc Jordan
Human Resources Director Joyce Lira	Redevelopment Manager Larry Bender
Information Technology Director Steve Chapin	Chief Deputy City Clerk Jennifer Snyder

WELCOME

Robert L. Eliason, Chairman

VERIFICATION

Anita Sheldon
Assistant City Clerk

AGENDA

1. APPROVAL OF THE REGULAR REDEVELOPMENT AGENCY AGENDA OF DECEMBER 5, 2007.

ACTION: APPROVED

MOTION: Board Member Smith

SECOND: Board Member Robinson

AYES: Chairman Eliason, Vice Chairwoman Buck, Board Members Montandon, Robinson and Smith

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS

2. UN-102-07 (THE MYSTIC); AN APPLICATION SUBMITTED BY TEMPLETON DEVELOPMENT ON BEHALF OF FORT CHEYENNE HOLDINGS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE EXPANSION OF AN EXISTING GAMING FACILITY (CASINO) ON PROPERTY LOCATED AT 2428 EAST CHEYENNE AVENUE AND WITHIN THE BOUNDARIES OF THE NORTH REDEVELOPMENT AREA.

Chairman Eliason opened the public hearing.

Planning and Zoning Director Jory Stewart stated the applicant requested approval of the special use permit to allow for expansion of an existing gaming facility. Changes to the conditions were just received and Staff was in the process of reviewing them. Director Stewart reported two of the changes pertained to Public Works, but the Director of Public Works had not yet seen them. She asked the representative for the applicant to explain the changes.

Bob Gronauer, Kummer Kaempfer Bonner Renshaw and Ferrario, 3800 Howard Hughes Parkway, Las Vegas displayed the Fort Cheyenne Casino and stated the new

owner planned an expansion which they felt was of great benefit to the area. He stated there was redevelopment in the immediate vicinity. The Planning Commission unanimously recommended approval. He apologized for the late changes to the conditions and said they were for clarification of matters previously discussed with Staff. Regarding Conditions 7 and 8, he stated the applicant was willing to do the landscaping, traffic study and reconstruct the driveways, but added language that specified they could only enforce the actions of the other owners within the association where they had the legal right to do so. On Condition 3, regarding landscaping, the applicant proposed landscape diamonds approximately every six parking spaces rather than every three parking spaces. The developer, Ken Templeton, stated his desire to install fewer diamonds was not a matter of the cost of landscaping, as he planned to greatly exceed the minimum requirements. It was a safety issue to enhance visibility for security.

Board Member Montandon approved of constructing the landscape diamonds every six parking spaces, but did not understand why a traffic study could not be performed before the owners' association was in place. Mr. Templeton said he was willing to perform a traffic study but may be unable to comply with some of the conditions without control of the association, as he did not have control of the common area. He said he would comply with the conditions that were under his control, but he could not control the association which currently was not operational. Mr. Templeton said he needed 75 percent control of the association, he currently had 50 percent. He had a plan in place to gain control of the association, but he could not guarantee that until it was achieved.

Board Member Smith asked what the time frame was for obtaining control of the association. Mr. Templeton said he had to meet with the 13 additional owners and he could not guarantee the results or a time frame. Mr. Gronauer stated they planned other improvements and would not let the property be run down. Mr. Templeton had invested a couple of years work in the project and it would cost \$20 to \$30 million. It was in his best interest to improve the property. Board Member Smith said she understood but was uncomfortable with not having a time frame. Mr. Templeton responded he could not give a time frame if he did not own the property and could not get owners' consent. He pointed out if he was not granted permission to move forward, the landscaping and driveways would not be improved at all. He had a history of excellent development and landscaping standards and planned to develop the project to the best level he could within his power. It was not legally possible to meet all the conditions at this time.

Board Member Smith asked what the requirements were for the landscaping of the Montecito development parking lot. Director Stewart replied it was the standard design requirement for commercial development. They had used parking diamonds instead of islands and had concerns about safety issues as well. It was a different type of development. The current project was a redevelopment of an already existing parking lot. She knew of the developer's past projects and had no doubt the end result would be

superior. She did not oppose the changes to the conditions relating to the parking diamonds and landscaping. She just wanted to be sure the Public Works Department agreed with the changes to the conditions regarding the traffic study. Board Member Smith was concerned about mitigating the effects of increased traffic that would result from the project. Mr. Gronauer stated they were willing to do whatever they could legally do, but it was dependent on other owners. The dilemma was some of the conditions of the traffic study could fall outside of their authority and would thus not be possible for them to enforce. They could not widen driveways that were not under their control, which could result in them being noncompliant with the conditions of the traffic study. They would try to find ways to achieve the results that were needed. Board Member Montandon felt it was likely the other owners would agree to the improvements. He felt the City had to assume some of the risk and allow the developer to move forward. The alternative was no improvements would be done at all. Currently the association was defunct and there were no guarantees of traffic control, landscaping, security, lighting, or maintenance. Mr. Templeton stated he intended to do everything he could to achieve the desired results. He said he would not have entered into the investment if he did not believe he could succeed, but he could not guarantee the outcome at this time. He did not want development halted due to things beyond his control. He already owned about 50 percent of the property. The other owners were not interested in selling at this time. His intention was to completely rehabilitate the existing property. Board Member Robinson agreed it was better to have some risk as Mr. Templeton developed the property than have no improvements if the project was denied. Mr. Templeton stated the project was very risky for him, he had spent more money in legal fees for this project than for any other. It was a complicated situation and he needed help from the Redevelopment Agency and the City.

Public Works Director Majed Al-Ghafry had arrived at the meeting. He stated there were components of Conditions 7 and 8 that could be addressed as they were within the right of way. If the developer complied with the requests that were within their control, the Public Works Department supported the project. They would not ask the developer for anything that could not be accommodated. Director Al-Ghafry and Director Stewart felt they should not change the wording of Condition 7. They would work with the developer to ensure any requests were reasonable and help to remedy situations that occurred.

Steven Cohen, Esq., 3695 West Flamingo Road, Las Vegas appeared on behalf of Poker Palace and asked for clarification of the grandfather issue. If there were no issues outstanding, they did not object to the project. City Attorney Carie Torrence said she had reviewed Title 5 and the history of the establishment and found the City had treated the establishment as if it was grandfathered in. As of approximately 2000 or 2001 the City lost the right to argue the property was not grandfathered under Title 5.

Councilwoman Buck disclosed she would reluctantly abstain from voting based on her family's relationship with one of the involved parties.

Board Member Montandon stated he felt the wording of Condition 7 as was recommended by the Planning Commission best served the needs of everyone involved. Planning and Zoning Director Stewart confirmed they were in agreement with the modifications to Conditions 3 and 8.

Board Member Smith stated she had not supported the project from the beginning, but now that she saw the developer was willing to work with the City she was hopeful about the outcome and she was now able to support the project.

Chairman Eliason closed the public hearing.

ACTION: APPROVED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS:

1. UNLESS EXPRESSLY, AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER METHOD, DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. THE CASINO EXPANSION SHALL BE LIMITED TO THE EXISTING AREA WITHIN THE BUILDING THAT IS DELINEATED BY THE APPROVED GAMING ENTERPRISE DISTRICT OVERLAY. ANY EXPANSION BEYOND THIS AREA SHALL REQUIRE PLANNING COMMISSION AND CITY COUNCIL REVIEW AND APPROVAL.
3. THE PARKING LOT SHALL CONTAIN STAGGERED LANDSCAPE DIAMONDS OF 5 FEET X 5 FEET FOR EVERY SIX PARKING SPACES, AND A SIX (6) FOOT WIDE LANDSCAPE ISLAND AT THE END OF EACH ROW. EACH LANDSCAPE DIAMOND SHALL CONTAIN ONE, 24-INCH BOX TREE. ALL LANDSCAPE ISLANDS SHALL CONTAIN TWO (2), 24-INCH BOX TREES. ALL PLANTER AREAS SHALL CONTAIN 60% GROUND COVER WITHIN TWO YEARS OF MATURITY. LANDSCAPING SHALL BE INSTALLED AT THE TIME A UNIFIED COMMERCIAL PROPERTY ASSOCIATION (WHEN THE ASSOCIATION IS FUNCTIONING, PAYING DUES AND DEVELOPER CAN LEGALLY ENFORCE THIS REQUIREMENT) FOR THE SHOPPING CENTER IS ESTABLISHED OR SOONER IF OTHER MEANS WOULD ALLOW THE INSTALLATION OF SAID LANDSCAPING.
4. THE REMODELING OF THE EXTERIOR FACADE OF THE CASINO AND THE INTERIOR CASINO EXPANSION SHALL COMMENCE CONCURRENTLY, BUT MUST BE SUBSTANTIALLY COMPLETE PRIOR TO THE ISSUANCE OF A BUILDING "CERTIFICATE OF OCCUPANCY" FOR THE CASINO EXPANSION.

5. ALL PREVIOUSLY APPROVED USE PERMITS FOR THE CASINO SHALL BECOME NULL AND VOID AFTER THE COMPLETION OF CONSTRUCTION FOR THE INTERIOR CASINO EXPANSION AND REMODELING AS APPROVED BY UN-102-07.
6. SHOULD THE LICENSEE FOR THE CASINO DISCONTINUE OPERATION OF THE BUSINESS, THE LICENSE IS VALID FOR A TIME PERIOD OF NO MORE THAN THREE (3) MONTHS, UNLESS OTHERWISE APPROVED BY THE CITY COUNCIL, AND FOR A TIME PERIOD OF NO MORE THAN TWELVE (12) MONTHS. ONCE THE CASINO IS NOT LICENSED FOR GAMING, THE ESTABLISHMENT HAS AN ADDITIONAL EIGHTEEN (18) MONTHS TO RE-ESTABLISH ITS LICENSE AND USE AND RETAIN ITS NONCONFORMING NON-RESTRICTED GAMING STATUS. AT NO TIME SHALL THE CASINO DISCONTINUE OPERATION FOR A PERIOD GREATER THAN THIRTY (30) MONTHS AND BE ELIGIBLE TO RETAIN ITS NONCONFORMING NON-RESTRICTED GAMING STATUS.
7. APPROVAL OF A TRAFFIC STUDY IS REQUIRED PRIOR TO SUBMITTAL OF THE CIVIL IMPROVEMENT PLANS OR AS OTHERWISE REQUIRED BY THE DIRECTOR OF PUBLIC WORKS.
8. THE TWO DRIVEWAYS ON CHEYENNE AVENUE ADJACENT TO YOUR BUILDING ARE TO BE RE-CONSTRUCTED TO MEET THE COMMERCIAL DRIVEWAY STANDARD WHEN A UNIFIED COMMERCIAL PROPERTY ASSOCIATION (WHEN THE ASSOCIATION IS FUNCTIONING, PAYING DUES AND DEVELOPER CAN LEGALLY ENFORCE THIS REQUIREMENT) FOR THE SHOPPING CENTER IS ESTABLISHED. COMMERCIAL DRIVEWAYS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH *CLARK COUNTY AREA UNIFORM STANDARD DRAWING* NUMBERS 222A AND 226, WITH MINIMUM WIDTHS OF 32 FEET AS MEASURED FROM LIP OF GUTTER TO LIP OF GUTTER.
9. THE APPLICANT SHALL SUBMIT A PARKING STUDY FOR REVIEW AND APPROVAL.
10. FIRE LANES SHALL BE PROVIDED LOCATED IN ACCORDANCE WITH THE FIRE CODE REQUIREMENTS.
11. FIRE ACCESS LANES SHALL BE DESIGNED ACCORDANCE WITH THE FIRE CODE REQUIREMENTS.

12. FIRE LANES SHALL BE MARKED TO PROHIBIT PARKING ACCORDANCE WITH THE FIRE CODE REQUIREMENTS.
13. TURNING RADII ALONG THE FIRE LANE SHALL BE DESIGNED IN ACCORDANCE WITH THE FIRE CODE.

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

BUSINESS

3. APPROVAL OF REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF NOVEMBER 7, 2007.

ACTION: APPROVED

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

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 6:11 P.M.

MOTION: Chairman Eliason

SECOND: Board Member Robinson

AYES: Chairman Eliason, Vice Chairwoman Buck, Board Members Montandon,
Robinson and Smith

NAYS: None

ABSTAIN: None

APPROVED: January 2, 2008

/s/Robert L. Eliason
Chairman Robert L. Eliason

ATTEST:

/s/Karen L. Storms
Karen L. Storms, CMC
City Clerk