



**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF SEPTEMBER 19, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: REQUIRE ONE YEAR REVIEW

ROR-23802 PUBLIC HEARING - APPLICANT: MOON VALLEY NURSERY - OWNER: AMERICAN CELL PRODUCTION, INC/WYCOFF NEWBERG CORP - Request for a Required One Year Review of an approved Special Use Permit (SUP-12177) FOR PROPOSED OUTDOOR STORAGE SALES WITHIN TOWN CENTER on 5.22 acres at 7215 and 7275 Tule Springs Road (APNs 125-17-801-009 and 011), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Town Center Land Use Designation], Ward 6 (Ross). Staff recommends DENIAL.

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SUP-12177
6. Protest/support postcards
7. Submitted after final agenda Protest/support postcards for Items 147 and 148

Motion made by STEVEN D. ROSS to Approve subject to conditions and adding the following conditions:

- A. This approval is subject to review at the December 19, 2007 City Council meeting to demonstrate compliance with all conditions of approval and meeting City codes.
- B. The applicant shall pay the required fees for this required review within 10 days from today's approval.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None);

CITY COUNCIL MEETING OF: SEPTEMBER 19, 2007

(Excused-STEVE WOLFSON)

Minutes:

MAYOR GOODMAN declared the Public Hearing open on Items 147 and 148.

MARK NUSALL, Chief Operating Officer, Moon Valley Nursery, 1702 East Palo Verde Road, Phoenix, AZ. He noted that the engineers were present to explain the delay with what was agreed upon.

STEVEN WEATHERMAN, 7636 Shorehaven Drive, Las Vegas explained the project is more complicated than expected, as it is located within the City of Las Vegas and Clark County and there were some challenges. In addition, Tule Springs is a Nevada Department of Transportation (NDOT) right-of-way. In working with NDOT, the entrance to the site has been relocated. He explained the proposed project, noting that the City's 36-inch pipe has been extended to the other end of the project which brings the flow down to the NDOT channel running alongside the freeway. As soon as the approvals are obtained from the City and County, they will go back to NDOT to move forward.

COUNCILMAN ROSS stated that nothing has been done with this project and conditions have not been met. He was not pleased with the applicant and residents are calling his office regarding the special improvements that have not been done. The applicant rebutted COUNCILMAN ROSS' comments. He stated the City would not allow them to install the wrought iron fence because a drainage study has not been completed. The landscape buffer has been moved back 22 feet.

COUNCILMAN ROSS stated staff has informed him that documents are still pending and payments have not been received. He stressed the responsibility falls on the applicant's part. The Councilman asked BART ANDERSON, Public Works Department, to read the additional condition to be placed on Item 148. MR. ANDERSON read the condition into the record and MR. NUSALL concurred.

COUNCILMAN ROSS reiterated to MR. NUSALL that they have 120 days from today's approval. MARGO WHEELER, Director of Planning and Development Department, read two additional conditions for both Items 147 and 148.

Upon ASSISTANT CITY ATTORNEY BRYAN SCOTT'S request, MS. WHEELER explained to MR. NUSALL that the fees are for the required review on both items, which the applicant has not paid.

MAYOR GOODMAN declared the Public Hearing closed on Items 147 and 148.