

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

September 10, 2008

BRIEFING: 5:34 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

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

WELCOME: Chairman Angelo Carvalho

ROLL CALL: Chairman Angelo Carvalho - Present
Vice-Chairman Harry Shull - Present
Commissioner Steve Brown - Present
Commissioner Dean Leavitt - Present
Commissioner Jay Aston - Present
Commissioner Jo Cato - Present
Commissioner Dilip Trivedi - Present

STAFF PRESENT: Frank Fiori, Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bob Hoyes, Planner
Bethany Sanchez, Deputy City Attorney II
Sandra Morgan, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Clete Kus, PW, Transportation Planner
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Carolyn Keller, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jo Cato

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING
OF AUGUST 13, 2008**

ACTION: APPROVED

MOTION: Vice-Chairman Shull

SECOND: Commissioner Cato

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston,
Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

Item No. 4 was heard next.

NEW BUSINESS

1. **AMP-09-08 (36516) COACH USA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PAUL SCHEUCHENZUBER ON BEHALF OF ISTAR BUSCO INC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REMOVE LA MADRE WAY BETWEEN LINCOLN ROAD AND THE I-15. THE ASSESSOR'S PARCEL NUMBERS ARE 123-31-801-003 AND 123-31-801-004.**

The application was presented by Bob Hoyes, Planner who explained the Departments of Public Works, Fire and Planning and Zoning were recommending denial of AMP-09-08. Public Works indicated in their memorandum that the section the applicant was requesting to remove from the Master Plan of Streets and Highways would provide an alternative to Craig Road for traffic originating northwest of Craig; therefore, reducing congestion on Craig Road and would also serve as an alternate means of east/west connectivity between Losee Road and Lamb Boulevard. It would also reduced trip distances and travel times for many vehicle trips originating west of I-15 and also reduce project travel volumes at the Lamb Boulevard Interchange. There would be an overpass which would cross over the railroad tracks and I-15 connecting the west side of the corridor to the east side. Based on those reasons and the recommendations of the Fire Department, Public Works and Planning and Zoning, Staff was recommending denial of AMP-09-08.

Jason Andosia with Gary Guy Wilson Studios, 7625 Dean Martin Drive Suite 100, Las Vegas, NV 89139 appeared on behalf of the applicant explaining there was a truck driving school and auto shop on the site and they have become more aware of the La Madre overpass project and had concerns regarding that project. He indicated 40 foot of the 80 foot easement on the Master Plan would affect the applicant and also affect the adjacent property owners and read a list of some of the problems the overpass would cause:

- The introduction of the roadway cuts off 40 feet of the property owners' land, which reduces the owners square footage, property value and full use of their site.
- The entire surrounding area is an industrial park with the closest residential homes at least one mile away.
- Constructing La Madre Way will create unnecessary driveways at the rear of the site, increasing security problems and in their opinion was not necessary for commercial or private vehicles.
- La Madre Way could not extend east of North Lamb Boulevard, a main access street, because the sites on the east side of Lamb Boulevard are fully developed.

- La Madre Way could not extend west of the site more than 249 feet because it would be blocked by I-15.
- Just 750 feet west of I-15 is the Union Pacific Rail lines paralleling the highway, which creates another blockage.
- Currently, east Craig Road, located only about 1/4 of a mile to the south, already acts as a major arterial east/west avenue for the general vicinity.
- Craig also is accessible on both the west and east sides of I-15 by an underpass.
- North Lamb Boulevard is a major avenue running north and south, about 1/4 mile to the east of the site and accesses I-15 to the north.
- These streets in existence already cause a tight loop triangular pattern for traffic when studied on a map, which he showed on a map.

Commissioner Angelo Carvalho opened the Public Hearing. The following participants came forward:

- **Gary Vosburg, 8151 Rosada Way, Las Vegas, NV 89149** indicated he was opposed to the overpass planned by the City, as he had driveways on Lincoln Road which would have to be removed.
- **Chris Waker, 4100 East Lone Mountain Avenue, Las Vegas, NV 89081** appeared on behalf of Mar Max Organization on the corner of Lamb Boulevard and Lone Mountain Road. He indicated they had trailer parking and storage behind the distribution center. They employ 1250 associates and service 315 TJ Max and Marshall's stores and if the overpass was put in, it would force them to find alternate parking for the trailers and possibly impact employees at the distribution center, forcing them to find capacity in other areas of the City.

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown asked how long the overpass had been planned.

Clete Kus of Public Works responded the I-15 Northeast corridor study was done in 2001. The actual amendment to the Master plan of Streets and Highways was presented to the Planning Commission on April 23, 2003.

Commissioner Brown asked the projection of when the overpass would be started and completed.

Mr. Kus responded monies were programmed for 2015 in the Regional Transportation Plan, to actually construct the facility, so in advance of that date, construction monies would be available for the engineering design, followed by construction, with completion approximately in 2015.

Commissioner Brown felt more crossings were needed over I-15 that did not have signals. He felt it would be wrong to give up the property and was not in support of the requested amendment to the Master Plan.

Commissioner Jay Aston asked the applicant if he had traffic studies done in the area that would support the application.

Mr. Andosia responded there had not been any formal traffic studies done. The property owners in the area were not happy about what was planned; however, there might be some conclusion they could come to or some way to alter some things to allow the property owners to feel better about the overpass going forward.

Commissioner Aston asked Staff when the proposed overpass went in, if it would be more for residential traffic and if it was an 80 foot right-of-way.

Mr. Kus responded the roadway would be constructed as an 80 foot right-of-way roadway and would provide access for both commercial vehicles as well as personal automobiles.

Commissioner Aston stated it would not provide access to the railroad, so the commercial and industrial on the east side of I-15 probably would not benefit from the overpass as much as the residential that was further east and west.

Mr. Kus indicated he partially agreed with Commissioner Aston and the applicant also indicated the industrial properties employ a large number of individuals and from that standpoint, providing the connectivity between employees' residences and the workplace was a benefit to the industrial properties.

Commissioner Aston was hesitant to give the green light for approval of the application and suggested the applicant might want to continue the application to work with Staff.

Mr. Andosia indicated he was willing to work with Staff to try to come to an agreement that would work.

Commissioner Dilip Trivedi suggested the applicant meet with Staff and include the adjacent property owners in the meeting.

ACTION: CONTINUED TO OCTOBER 8, 2008

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

2. UN-87-08 (36507) DOLLAR LOAN CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DOLLAR LOAN CENTER LLC ON BEHALF OF MESQUITE PLAZA II LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A DEFERRED DEPOSIT LOAN ESTABLISHMENT. THE PROPERTY IS LOCATED AT 4669 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-016.

The application was presented by Bob Hoyes, Planner who explained, based on the information submitted by the applicant, Staff was recommending approval of UN-87-08 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. Suite 100 shall be a minimum 1,500 square feet in area.
4. The applicant shall submit a traffic study update for review and approval.
5. Even if building is existing, a building permit is required for change of occupancy use or alteration of building.

Kjelden Cundiff, 8225 Romantic Sunset Street, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED

MOTION: Vice-Chairman Shull

SECOND: Chairman Carvalho

AYES: Chairman Carvalho, Vice-Chairman Shull and Commissioner Aston

NAYS: Commissioners Leavitt, Brown, Cato and Trivedi

ABSTAIN: None

The motion did not carry.

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

3. **VN-11-08 (36519) GIBSON ROOM ADDITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THOMAS GIBSON, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A SEVEN (7) FOOT THREE (3) INCH BUILDING SETBACK WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED FROM AN ADJACENT RIGHT-OF-WAY (WASHBURN ROAD). THE PROPERTY IS LOCATED AT 5214 SALMON RUN COURT. THE ASSESSOR'S PARCEL NUMBER IS 124-32-210-008.**

The application was presented by Bob Hoyes, Planner who explained that based on the requirements set forth in the zoning ordinance, Staff was not in a position to provide a favorable recommendation; therefore, was recommending that VN-11-08 be denied. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. The variance is site-specific (5214 Salmon Run Court) and non-transferable.
3. That any expansions or room additions to the dwelling maintain a minimum setback of 7'-3" from the Washburn Road right-of-way.
4. The property must maintain FHA Type A drainage.

Thomas Gibson, 5214 Salmon Run Court, North Las Vegas, NV explained he was requesting to encroach into the set-back by 10.5 square feet so his room addition would be a rectangle shape.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown indicated notification was sent out to neighboring property owners and there appeared to be no opposition to the application and he was in support of the project.

Commissioner Jay Aston noticed the patio cover was five foot from the set-back and asked the applicant if it had been approved.

Mr. Gibson responded the patio cover was approved and permitted.

Commissioner Aston was in support of the application.

Commissioner Dean Leavitt was in support of the application.

Commissioner Jo Cato was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston,
Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

Item No. 5 was heard next.

4. **ZN-05-06 (36505) MONTECITO PAVILION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VEDELAGO PETSCH ARCHITECTS ON BEHALF OF COLONIAL REALITY LP AND TROPICAL-LAMB LLC, PROPERTY OWNERS, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A MIXED-USE DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF AZURE AVENUE AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013, 123-30-601-014 AND 123-30-601-015.**

It was requested by the applicant to continue ZN-05-06 to October 8, 2008.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO OCTOBER 8, 2008

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Shull

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

5. T-1327 (36541) COLEMAN AIRPARK II & III. AN APPLICATION SUBMITTED BY COLEMAN AIRPARK II LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO ALLOW A ONE (1) LOT INDUSTRIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CLAYTON STREET AND BROOKS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-17-601-003.

The application was presented by Marc Jordan, Planning Manager who explained there was a commercial subdivision map previously approved for the site which had expired. The applicant was reapplying for the same thing and a site plan was also approved showing how the site would be developed. Construction has already begun and Staff had no objection and was recommending that T-1327 be approved with the deletion of Condition No. 3 and Condition No. 8 amended to read: "Driveways along Evans Avenue shall be located per the site plan (SPR-03-06) as amended and approved on January 10, 2007." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of SPR-03-06;
3. The applicant shall submit a traffic study update for review and approval.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
6. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 1. Coleman Street
 2. Clayton Street
 3. Evans Avenue
 4. Brooks Avenue
7. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
8. Driveways along Evans Avenue shall be located per the site plan (SPR-03-06) as amended and approved on March 8, 2006.

9. Applicant must abide by all conditions of the approved traffic study including the cost participation for traffic signals. The cost participation for this project is now past due. For additional information contact Clete Kus at 633-1235.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. The property owner is required to sign a restrictive covenant for utilities.
12. All recorded easements per PM 89-91 must be shown on subsequent submittals.
13. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
14. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
15. All off-site improvements must be completed prior to final inspection of the first building or a construction phasing plan, depicting onsite development and supporting offsite improvements, as well as construction access routes, shall be provided by the developer. Approval by the Department of Public Works is required prior to the issuance of any permits.

Brian Ridinger, 1050 Wigwam Parkway, Henderson, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 3 AND CONDITION NO. 8 AMENDED TO READ:

8. DRIVEWAYS ALONG EVANS AVENUE SHALL BE LOCATED PER THE SITE PLAN (SPR-03-06) AS AMENDED AND APPROVED ON JANUARY 10, 2007.

MOTION: Vice-Chairman Shull

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

6. SPR-12-08 (35429) LAS FLORES SHOPPING CENTER. AN APPLICATION SUBMITTED BY LAS FLORES SHOPPING CENTER ON BEHALF OF CRDF PLAZA VEGAS LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN RA/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT CONSISTING OF AN APPROXIMATE 352,210 SQUARE-FOOT SHOPPING CENTER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER HAMILTON STREET AND LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-111-001.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing approximately 352,000 square feet of commercial space that would be located within 14 new commercial buildings. On the site plan, they indicated two convenience foot restaurant pads, which were not being presented at this time. As part of the proposal, four waivers were being requested from the Commercial Design Guidelines, to reduce the perimeter landscaping from 20 feet to 15 feet along Carey Avenue, which Staff was supporting. They also requested to provide attached sidewalks on the three adjacent streets. Presently, Carey Avenue and Las Vegas Boulevard have sidewalks in place, so Staff was supporting to continue that along Hamilton and not require them to remove the sidewalks to provide the detached meandering sidewalks. They were also requesting to reduce the landscape buffer from 20 feet to approximately 10 to 12 feet along the western and southern property lines, which was adjacent to the residential and on the south side, there was a portion like a commercial building that was part of the residential and Staff was recommending approval of that request. A waiver of the six foot landscape islands for every other row of parking has been requested. Staff recommended an alternative, where they would have landscape diamonds within the parking spaces for every three spaces and staggered to help prevent vehicles from driving through, which was similar to other waivers that have been granted in the past. The buildings comply with the Commercial Design Guidelines. The applicant was proposing to use some colors that were a little different than what was in the Design Guidelines, but were consistent with what was proposed in the Downtown Master Plan, which Staff was supporting. Staff was recommending approval of SPR-12-08 with the deletion of Condition No. 18. The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Submit a copy of the revised site plan to the Planning & Zoning Department. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. Provide thirty two (32) bicycle parking spaces for the entire development within 100 feet from the building entrances. A typical bicycle parking space shall be at least 6 feet long by 2 feet wide. Covered bicycle parking facilities

- may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking.
- b. Show staggered landscape diamonds of 5 feet X 5 feet with a tree for every three (3) parking spaces.
 - c. The use of different color or textured materials for the pedestrian connection routes is required.
 - d. Provide a six (6) foot wide foundation landscaping around the proposed new buildings. If the foundation landscaping is determined to be impractical because of soil conditions either landscaping may be transposed with the sidewalk or above ground planters shall be provided .
3. Provide a detail color scheme for all the proposed buildings consistent with the guidelines listed in the Downtown Master Plan/ Investment Strategy.
 4. Provide a decorative block wall and/or wrought iron view fence to screen the residential developments along the west and south property lines.
 5. A minimum of five (5) stacking spaces shall be provided behind the 'order box' for the fast food restaurant.
 6. Approval of a traffic study is required prior to the civil improvement plans.
 7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue and Las Vegas Boulevard.
 8. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.
 9. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
 10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
 11. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.

12. All known geological hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. The property owner is required to sign a restrictive covenant for utilities.
18. Relocate Commercial driveway closest to APN 139-13-302-004 on Las Vegas Boulevard North to line up with median opening.
19. Provide a copy of NDOT encroachment permit for landscaping in the public right-of-way and also need an encroachment permit from NDOT for construction of commercial driveway being relocated.
20. Property owner is required to grant a 3 X 30 load pad easement for back of CAT bus turn-out.
21. Show all existing easements and vacation/relinquishment document information of any abandoned easements.
22. All off-site improvements must be completed prior to final inspection of the first building.
23. Fire access lanes shall be located such that no portion of the ground floor walls are located more than 150 feet from an access lane to be measured as a person would walk.
24. Fire access lanes shall be a minimum of 24 feet.
25. Fire access lanes shall be provided with 52 feet outer and 28 feet inner turn radii.

26. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared along with **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** on behalf of the applicant. Ms. Lazovich indicated they concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 18; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Brown

SECOND: Commissioner Cato

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, Cato and Trivedi

NAYS: None

ABSTAIN: None

OLD BUSINESS

7. **UN-80-08 (36200) GALAXY 7 PROPERTIES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GALAXY 7 PROPERTIES ON BEHALF OF EAGLE 7 PROPERTIES AND PARKWILL ENTERPRISES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT 6215 NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-008. (CONTINUED AUGUST 13 AND 27, 2008)**

Item Nos. 7, 8 and 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the proposed site was a relatively small parcel located along the North 5th Street corridor and the applicant was proposing a development containing a carwash and convenience food store with gas pumps. The uses were auto oriented and not pedestrian or transit oriented and were in conflict with the designs and recommendations of the North 5th Street Corridor Study Transit Supportive Land Use Plan; therefore, Staff was not supporting the proposed UN-80-08 and UN-81-08. If, however, the uses were deemed appropriate by the Commission, Staff had some concerns regarding the site plan. The Public Works Department indicated the driveway separation for the proposed curb cut along North 5th Street was not appropriate and was too close to the intersection with Azure Drive; therefore, the applicant would need a waiver of the requirements in Title 16 for driveway separation as well as the 200 foot separation listed in Title 17. The proposed site was not in compliance with Fire Code, as they do not have adequate access. The site should be redesigned, both with a reduction of the driveway and also to provide adequate access. The site has been reviewed and it was felt access could be granted that would be in compliance with Fire Code, even with the removal of the curb cut along North 5th Street. Staff was recommending denial of UN-80-08 and UN-81-08. If VN-10-08 were approved, with the redesign, the carwash could either be located with the convenience food store or located in a different area, so that it did not need as much of a set-back; however, the adjacent property, while residential, was a utility facility and its impact was not severe. Staff was also recommending that VN-10-08 be denied.

Should the Commission determine approval of UN-80-08 was warranted, the following conditions were recommended:

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

2. Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;
 - a. A minimum 5 foot perimeter landscape buffer shall be provided along the north property line.
 - b. Provide a minimum 15 foot landscape along the west property line.
 - c. All landscape areas shall include a minimum 24" box tree for every 15 feet on center with shrubs that include a 60% of ground cover within two (2) years of planting.
3. Applicant shall designate "Service and Loading Zone(s) for the proposed convenience food store with gas pumps. Service and Loading Zone(s) shall not block any required parking areas.
4. A minimum six (6) foot high rod iron gate shall be provided at the ends of the north facade of the car wash building between the perimeter wall.
5. The proposed driveway on North 5th Street shall be removed as it is in direct violation of the property access standards set forth in North Las Vegas Municipal Code section 17.24.130 and Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222A. Incidentally, a driveway will not be permitted on North 5th Street. Azure Avenue will need to accommodate the commercial driveway for the project.
6. The underground fuel tanks shall be identified on all future plans submitted to the City for review. Additionally, the applicant shall provide a turning analysis that clearly demonstrates that a WB-50 vehicle can maneuver on the property and is able to access the underground fuel tanks. The turning analysis shall be submitted for review prior to submittal of the traffic study. Should the results of the turning analysis prove to be unfavorable, the use of gas pumps will be prohibited.
7. Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and City of North Las Vegas Municipal Code section 16.24.100.B:
 - a. North 5th Street
 - b. Azure Avenue
8. A minimum of five stacking spaces shall be provided at the entrance to the car wash and shall not block access to parking stalls.
9. A loading area is required and shall not block parking or drive aisles.
10. Approval of a traffic study is required prior to submittal of the civil improvement plans.

11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.
12. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.
13. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.
16. North 5th Street shall be designed in accordance with the City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements.
17. The required median island within North 5th Street shall be landscaped.
18. Median landscape and irrigation plans must be submitted to the Parks Department. The developer's landscape architect should contact John Jones, Landscape Architect with the Parks and Recreation Department at 633-1611, for landscaping requirements prior to designing the landscape plan(s) for the median. Final approval of the civil improvement plans will not be acquired prior to Parks approval of the landscaping plans.
19. The guidelines for grading/sloping adjacent to North 5th Street are as follows:
 - a. The ten (10) foot landscape area between the curb, and the ten (10) foot sidewalk, shall maintain a two percent (2%) cross slope to the street.
 - b. Grading adjacent to the North 5th Street right-of-way shall not exceed a slope of 6:1.
20. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
21. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

22. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.
23. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
24. All off-site improvements must be completed prior to final inspection of the first building.
25. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
26. Turning radii along the fire access lane should be designed in accordance with the Fire Code.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant and property owner. He gave an overview of some of the development that had been approved and what was being proposed along the North 5th corridor.

Mr. Gronauer understood at build-out they were required to put in a median that would block off Azure Avenue from allowing traffic to make left and right hand turns across. Traffic would be allowed to make right turns onto North 5th Street, but would not be able to go across on the east side of North 5th Street or go across and go north on North 5th Street. He explained they previously rezoned the parcel to commercial, although it was master planned for Mixed Uses, but the problem they ran into was that it was a widow piece of property or out parcel, as there was nothing that could be done with the property, which was why they were requesting the current use. Under mixed use they would not be able to put in apartments, single-family homes, or a high rise project on one acre of property. There was a median requirement. From the northern portion of the property they would have to go 195 feet and build a median going along North 5th Street. Azure Avenue was a 60 foot right-of-way and North 5th Street was designated at the major transit corridor. The convenience store with gas pumps was appropriate at the proposed location as there were no services located along the North 5th Street corridor within close proximity. The closest use was located on Craig Road and North 5th Street. There was a proposed use on Ann Road and North 5th Street but was not yet built. It could be argued that the use was not transit/pedestrian oriented but in a master planned area you would still need to use these type of services when they were not located within the general vicinity. Because the property had residential zoning, they were required to meet the Commercial Design Guidelines to buffer the property from a residential use. The Southwest Gas facility was not a residential use and would not be a residential use. They were asking for a variance

at that location to allow a building to be no further than five feet from the existing wall, which would not have a negative impact to the adjacent property owner. He explained there were a lot of constraints on the site, which made it very narrow and hard to develop and there was 165 feet of frontage on North 5th Street.

The use permits were continued to allow the applicant to address some of Staff's concerns regarding the site plan. The stacking of the car wash was redesigned to come behind the parking. Staff also had concerns with the turning radii with respect to the project and the plans show the turning radius for the fuel trucks and also shows the location of the fuel tanks with the gas pump location. He indicated being able to use the driveway on North 5th Street was important to help create circulation within the project as the site was very narrow. Code required the driveway to be 150 foot off the center section of Azure Avenue to have a commercial driveway and fall less than 150 feet. He asked for approval of VN-10-08 allowing them to have the right turn, right-out right-in movement, as it would not be a conflict with anything on Azure.

Mr. Gronauer stated if the Commission were to approve the application, with respect to the commercial driveway on North 5th Street, there were two conditions in the convenience store application, UN-80-08, that would need to be amended or clarified, which would allow a commercial driveway on North 5th Street for right turn-in, right turn-out.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown agreed with Public Works regarding the driveway on North 5th Street, unless there was some way to put in a median to protect traffic flow. There was also an issue of circulation on the site. He was flexible with the carwash but recommended not having it as it was too much for the site. He was supportive of the variance and recommended a continuance so the site could be redesigned, as he was not supporting the current design.

Commissioner Jo Cato asked the applicant if there were any other C-Stores in the area.

Mr. Gronauer responded from Azure north, there were no existing convenience stores that were approved or constructed. The closest one on North 5th Street was at Ann Road and North 5th, but was not yet developed, and then the next closest would be a Green Valley Grocer on Craig Road and North 5th Street.

Commissioner Cato was in support of the applications, but was concerned about the trucks delivering to the site, as it did not appear there was room to turn. She also felt the application should be continued to work that out with Staff and felt with all of the apartments that were slated for the North 5th corridor, there needed to be c-stores with gas stations.

Mr. Eastman pointed out there was an approved, and not yet constructed, c-store at Ann Road and North 5th Street and there was also one proposed with the mixed use PUD at the corner of Centennial and North 5th that was also approved with the PUD and not constructed and the next was at Craig Road.

Commissioner Dilip Trivedi was not supporting the applications as the use was not pedestrian oriented, which was what was wanted along the North 5th Corridor. He was supportive of a convenience store, mini-mart or small grocery store, but a gas station and car wash was not appropriate. There was a transit station planned at the intersection of Azure and North 5th and the use would be at the core of the station and suggested a sit down restaurant or a retail use at the proposed location.

Chairman Carvalho stated the area was high density and would need gas stations and carwashes and was in support of the c-store with gas station and carwash.

Commissioner Trivedi asked Staff if City Council had approved a storage yard on North 5th Street.

Marc Jordan, Planning Manager responded they had not; the storage yard was approved to be located on Alexander Road just west of Losee Road.

Commissioner Brown asked the applicant if he was willing to continue the application to work with Staff on the site plan.

Mr. Gronauer responded the critical issue was ingress/egress off of North 5th Street and if they could not get ingress/egress off of North 5th, it would kill the convenience store project. They could work around other issues but not the ingress/egress and they could not accept the Commission eliminating the driveway on North 5th Street.

Commissioner Brown asked Mr. Gronauer if anything could be put in the street to make them happy with having a right turn-in right turn-out entrance.

Clete Kus of Public Works explained the site plan was reviewed with the Director of Public Works and unfortunately, in regards to a driveway on North 5th Street, it was not supported by the Department of Public Works.

Commissioner Harry Shull asked if it was in the Commission's purview to approve the right-in/right-out only.

Mr. Eastman responded if the use permits and the site plan were approved, the applicant would need to apply for a waiver to allow a reduction in the driveway separation.

Commissioner Shull did not have a problem with the access on North 5th Street if the use was approved.

Mr. Gronauer clarified if the use permits were approved, a waiver would have to be requested for the driveway and if approved, they could go forward with the uses; but, if the uses were denied, they would have to appeal to City Council.

Mr. Eastman explained if the use permits were approved, the applicant would come back before the Commission with a waiver of Title 16 requirements, which required both Commission and City Council approval.

Mr. Eastman explained if the Commission was moving for approval, there were conditions that needed to be amended. Condition No. 25 would be amended to read: "Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code." Condition No. 26 amended to read: "Turning radii along the fire access lane shall be designed in accordance with the Fire Code."

Bethany Sanchez, Deputy City Attorney explained if the waivers were not being considered, Condition Nos. 5, 12 and 13 could remain as drafted until the waiver application was submitted. Staff wanted to make it clear if that was the decision of the Planning Commission, until a variance or waiver was granted, that the proposed driveway would have to conform with the applicable Commercial Design Guidelines, Title 16, and Title 17 and could not be constructed according to what was shown on the plans.

Mr. Gronauer stated, for the record, the Commission's approval was requiring the applicant to comply with Title 16 and Title 17, which would not allow a commercial driveway onto North 5th Street; however, he wanted to make sure if they came back with a waiver, they would not have to ask for a waiver of the conditions on the use permit.

Mr. Eastman indicated Condition Nos. 12 and 13 could be deleted and then let the waiver amend Condition No. 5 when it came forward to the Commission and City Council.

Deputy City Attorney Sanchez stated the applicant and Staff were recommending two different things, that the language in Condition No. 5, because Condition Nos. 12 and 13 only require the applicant to comply with Code, so the subject of discussion was Condition No. 5, which says there cannot be a driveway. Condition No. 5 might need to be amended to allow a driveway at all.

Jennifer Doody of Public Works explained Condition No. 5 repeated Condition Nos. 12 and 13.

Mr. Gronauer clarified if the applicant came back, he could ask for a waiver, which was a separate application. He did not want to have to bring the use permit back to request a waiver of Condition No. 5 and thought the easiest way was to add "unless otherwise approved by a separate waiver application."

Mr. Kus explained if the driveway on North 5th Street was allowed, it would only be right-in/right-out and he failed to see if the driveway was not allowed, what the difference was to take one extra right turn. Essentially, the first right would be onto Azure Avenue and the Second right would be into the driveway, so he did not see how that would impact the development of a c-store and gas station in a transit oriented corridor. By not allowing the driveway and making the decision at this point, served to maintain the integrity of the transportation corridor as well as the Transit Supportive Land Use Plan.

Commissioner Brown agreed with Mr. Kus, except when he reviewed the application, if you limit it to one driveway, he did not think a tanker truck could get in to refill the tanks.

Mr. Kus responded that should be further explored by redesigning the site.

Chairman Carvalho asked if the applicant could be required to install a median to run adjacent to the property, which only allowed right-in/right-out to keep traffic from going to the far lane to obstruct traffic.

Mr. Kus responded that had the potential to interfere with an outside transit or bus line.

Commissioner Jay Aston asked is someone were on the site and coming out onto Azure, how difficult it would be for them to make a left turn onto Azure and also asked if there was a median on Azure.

Mr. Kus stated there was not a plan to put a median on Azure. He clarified that the Commissioner was talking about exiting the property onto Azure and turning left toward North 5th Street. He indicated that maneuver should be relatively easy as Azure would only be carrying local traffic that were making a right turn off of North 5th Street heading west.

Chairman Shull asked if traffic would be able to turn left from North 5th Street onto Azure.

Mr. Kus responded they would not, as there would be a median across the intersection.

Mr. Gronauer explained he would like the discussion regarding the intersection to be held until the waiver was requested, but wanted to clarify if the waiver was approved, they would not have to submit an application to waive Condition No. 5 later.

Mr. Eastman stated Condition No. 5 could be amended to Read: "The proposed driveway on North 5th Street shall be removed as it is in direct violation of the property access standards set forth in North Las Vegas Municipal Code Section 17.24.130 and Uniform Standard Drawings for Public Works' Construction Off-site Improvements drawing number 222a, unless otherwise waived by the City Council with a separate application."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 12 AND 13 AND CONDITION NOS. 5, 25 AND 26 AMENDED TO READ:

5. THE PROPOSED DRIVEWAY ON NORTH 5TH STREET SHALL BE REMOVED AS IT IS IN DIRECT VIOLATION OF THE PROPERTY ACCESS STANDARDS SET FORTH IN *NORTH LAS VEGAS MUNICIPAL CODE* SECTION 17.24.130 AND *UNIFORM STANDARD DRAWINGS FOR PUBLIC WORKS' CONSTRUCTION OFF-SITE IMPROVEMENTS* DRAWING NUMBER 222A, UNLESS OTHERWISE WAIVED BY THE CITY COUNCIL WITH A SEPARATE APPLICATION.
25. FIRE ACCESS LANES SHALL BE MARKED TO PROHIBIT PARKING IN ACCORDANCE WITH THE FIRE CODE.
26. TURNING RADII ALONG THE FIRE ACCESS LANE SHALL BE DESIGNED IN ACCORDANCE WITH THE FIRE CODE.

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, and Cato

NAYS: Commissioner Trivedi

ABSTAIN: None

8. **UN-81-08 (36201) GALAXY 7 PROPERTIES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GALAXY 7 PROPERTIES ON BEHALF OF EAGLE 7 PROPERTIES AND PARKWILL ENTERPRISES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED AT 6215 NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-008. (CONTINUED AUGUST 13 AND 27, 2008)**

The following presentation and discussion was carried forward from Item No. 7, UN-80-08:

Item Nos. 7, 8 and 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the proposed site was a relatively small parcel located along the North 5th Street corridor and the applicant was proposing a development containing a carwash and convenience food store with gas pumps. The uses were auto oriented and not pedestrian or transit oriented and were in conflict with the designs and recommendations of the North 5th Street Corridor Study Transit Supportive Land Use Plan; therefore, Staff was not supporting the proposed UN-80-08 and UN-81-08. If, however, the uses were deemed appropriate by the Commission, Staff had some concerns regarding the site plan. The Public Works Department indicated the driveway separation for the proposed curb cut along North 5th Street was not appropriate and was too close to the intersection with Azure Drive; therefore, the applicant would need a waiver of the requirements in Title 16 for driveway separation as well as the 200 foot separation listed in Title 17. The proposed site was not in compliance with Fire Code, as they do not have adequate access. The site should be redesigned, both with a reduction of the driveway and also to provide adequate access. The site has been reviewed and it was felt access could be granted that would be in compliance with Fire Code, even with the removal of the curb cut along North 5th Street. Staff was recommending denial of UN-80-08 and UN-81-08. If VN-10-08 were approved, with the redesign, the carwash could either be located with the convenience food store or located in a different area, so that it did not need as much of a set-back; however, the adjacent property, while residential, was a utility facility and its impact was not severe. Staff was also recommending that VN-10-08 be denied.

Should the Commission determine approval of UN-80-08 was warranted, the following conditions were recommended:

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

2. *Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;*
 - a. *A minimum 5 foot perimeter landscape buffer shall be provided along the north property line.*
 - b. *Provide a minimum 15 foot landscape along the west property line.*
 - c. *All landscape areas shall include a minimum 24" box tree for every 15 feet on center with shrubs that include a 60% of ground cover within two (2) years of planting.*
3. *Applicant shall designate "Service and Loading Zone(s) for the proposed convenience food store with gas pumps. Service and Loading Zone(s) shall not block any required parking areas.*
4. *A minimum six (6) foot high rod iron gate shall be provided at the ends of the north facade of the car wash building between the perimeter wall.*
5. *The proposed driveway on North 5th Street shall be removed as it is in direct violation of the property access standards set forth in North Las Vegas Municipal Code section 17.24.130 and Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222A. Incidentally, a driveway will not be permitted on North 5th Street. Azure Avenue will need to accommodate the commercial driveway for the project.*
6. *The underground fuel tanks shall be identified on all future plans submitted to the City for review. Additionally, the applicant shall provide a turning analysis that clearly demonstrates that a WB-50 vehicle can maneuver on the property and is able to access the underground fuel tanks. The turning analysis shall be submitted for review prior to submittal of the traffic study. Should the results of the turning analysis prove to be unfavorable, the use of gas pumps will be prohibited.*
7. *Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and City of North Las Vegas Municipal Code section 16.24.100.B:*
 - a. *North 5th Street*
 - b. *Azure Avenue*
8. *A minimum of five stacking spaces shall be provided at the entrance to the car wash and shall not block access to parking stalls.*
9. *A loading area is required and shall not block parking or drive aisles.*
10. *Approval of a traffic study is required prior to submittal of the civil improvement plans.*

11. *The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.*
12. *The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.*
13. *Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.*
14. *Approval of a drainage study is required prior to submittal of the civil improvement plans.*
15. *All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.*
16. *North 5th Street shall be designed in accordance with the City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements.*
17. *The required median island within North 5th Street shall be landscaped.*
18. *Median landscape and irrigation plans must be submitted to the Parks Department. The developer's landscape architect should contact John Jones, Landscape Architect with the Parks and Recreation Department at 633-1611, for landscaping requirements prior to designing the landscape plan(s) for the median. Final approval of the civil improvement plans will not be acquired prior to Parks approval of the landscaping plans.*
19. *The guidelines for grading/sloping adjacent to North 5th Street are as follows:*
 - a. *The ten (10) foot landscape area between the curb, and the ten (10) foot sidewalk, shall maintain a two percent (2%) cross slope to the street.*
 - b. *Grading adjacent to the North 5th Street right-of-way shall not exceed a slope of 6:1.*
20. *All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.*
21. *The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.*

22. *All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.*
23. *Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.*
24. *All off-site improvements must be completed prior to final inspection of the first building.*
25. *Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.*
26. *Turning radii along the fire access lane should be designed in accordance with the Fire Code.*

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant and property owner. He gave an overview of some of the development that had been approved and what was being proposed along the North 5th corridor.

Mr. Gronauer understood at build-out they were required to put in a median that would block off Azure Avenue from allowing traffic to make left and right hand turns across. Traffic would be allowed to make right turns onto North 5th Street, but would not be able to go across on the east side of North 5th Street or go across and go north on North 5th Street. He explained they previously rezoned the parcel to commercial, although it was master planned for Mixed Uses, but the problem they ran into was that it was a widow piece of property or out parcel, as there was nothing that could be done with the property, which was why they were requesting the current use. Under mixed use they would not be able to put in apartments, single-family homes, or a high rise project on one acre of property. There was a median requirement. From the northern portion of the property they would have to go 195 feet and build a median going along North 5th Street. Azure Avenue was a 60 foot right-of-way and North 5th Street was designated as the major transit corridor. The convenience store with gas pumps was appropriate at the proposed location as there were no services located along the North 5th Street corridor within close proximity. The closest use was located on Craig Road and North 5th Street. There was a proposed use on Ann Road and North 5th Street but was not yet built. It could be argued that the use was not transit/pedestrian oriented but in a master planned area you would still need to use these type of services when they were not located within the general vicinity. Because the property had residential zoning, they were required to meet the Commercial Design Guidelines to buffer the property from a residential use. The Southwest Gas facility was

not a residential use and would not be a residential use. They were asking for a variance at that location to allow a building to be no further than five feet from the existing wall, which would not have a negative impact to the adjacent property owner. He explained there were a lot of constraints on the site, which made it very narrow and hard to develop and there was 165 feet of frontage on North 5th Street.

The use permits were continued to allow the applicant to address some of Staff's concerns regarding the site plan. The stacking of the car wash was redesigned to come behind the parking. Staff also had concerns with the turning radii with respect to the project and the plans show the turning radius for the fuel trucks and also shows the location of the fuel tanks with the gas pump location. He indicated being able to use the driveway on North 5th Street was important to help create circulation within the project as the site was very narrow. Code required the driveway to be 150 foot off the center section of Azure Avenue to have a commercial driveway and fall less than 150 feet. He asked for approval of VN-10-08 allowing them to have the right turn, right-out right-in movement, as it would not be a conflict with anything on Azure.

Mr. Gronauer stated if the Commission were to approve the application, with respect to the commercial driveway on North 5th Street, there were two conditions in the convenience store application, UN-80-08, that would need to be amended or clarified, which would allow a commercial driveway on North 5th Street for right turn-in, right turn-out.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown agreed with Public Works regarding the driveway on North 5th Street, unless there was some way to put in a median to protect traffic flow. There was also an issue of circulation on the site. He was flexible with the carwash but recommended not having it as it was too much for the site. He was supportive of the variance and recommended a continuance so the site could be redesigned, as he was not supporting the current design.

Commissioner Jo Cato asked the applicant if there were any other C-Stores in the area.

Mr. Gronauer responded from Azure north, there were no existing convenience stores that were approved or constructed. The closest one on North 5th Street was at Ann Road and North 5th, but was not yet developed, and then the next closest would be a Green Valley Grocer on Craig Road and North 5th Street.

Commissioner Cato was in support of the applications, but was concerned about the trucks delivering to the site, as it did not appear there was room to turn. She also felt the application should be continued to work that out with Staff and felt with all of the apartments that were slated for the North 5th corridor, there needed to be c-stores with gas stations.

Mr. Eastman pointed out there was an approved, and not yet constructed, c-store at Ann Road and North 5th Street and there was also one proposed with the mixed use PUD at the corner of Centennial and North 5th that was also approved with the PUD and not constructed and the next was at Craig Road.

Commissioner Dilip Trivedi was not supporting the applications as the use was not pedestrian oriented, which was what was wanted along the North 5th Corridor. He was supportive of a convenience store, mini-mart or small grocery store, but a gas station and car wash was not appropriate. There was a transit station planned at the intersection of Azure and North 5th and the use would be at the core of the station and suggested a sit down restaurant or a retail use at the proposed location.

Chairman Carvalho stated the area was high density and would need gas stations and carwashes and was in support of the c-store with gas station and carwash.

Commissioner Trivedi asked Staff if City Council had approved a storage yard on North 5th Street.

Marc Jordan, Planning Manager responded they had not; the storage yard was approved to be located on Alexander Road just west of Losee Road.

Commissioner Brown asked the applicant if he was willing to continue the application to work with Staff on the site plan.

Mr. Gronauer responded the critical issue was ingress/egress off of North 5th Street and if they could not get ingress/egress off of North 5th, it would kill the convenience store project. They could work around other issues but not the ingress/egress and they could not accept the Commission eliminating the driveway on North 5th Street.

Commissioner Brown asked Mr. Gronauer if anything could be put in the street to make them happy with having a right turn-in right turn-out entrance.

Clete Kus of Public Works explained the site plan was reviewed with the Director of Public Works and unfortunately, in regards to a driveway on North 5th Street, it was not supported by the Department of Public Works.

Commissioner Harry Shull asked if it was in the Commission's purview to approve the right-in/right-out only.

Mr. Eastman responded if the use permits and the site plan were approved, the applicant would need to apply for a waiver to allow a reduction in the driveway separation.

Commissioner Shull did not have a problem with the access on North 5th Street if the use was approved.

Mr. Gronauer clarified if the use permits were approved, a waiver would have to be requested for the driveway and if approved, they could go forward with the uses; but, if the uses were denied, they would have to appeal to City Council.

Mr. Eastman explained if the use permits were approved, the applicant would come back before the Commission with a waiver of Title 16 requirements, which required both Commission and City Council approval.

Mr. Eastman explained if the Commission was moving for approval, there were conditions that needed to be amended. Condition No. 25 would be amended to read: "Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code." Condition No. 26 amended to read: "Turning radii along the fire access lane shall be designed in accordance with the Fire Code."

Bethany Sanchez, Deputy City Attorney explained if the waivers were not being considered, Condition Nos. 5, 12 and 13 could remain as drafted until the waiver application was submitted. Staff wanted to make it clear if that was the decision of the Planning Commission, until a variance or waiver was granted, that the proposed driveway would have to conform with the applicable Commercial Design Guidelines, Title 16, and Title 17 and could not be constructed according to what was shown on the plans.

Mr. Gronauer stated, for the record, the Commission's approval was requiring the applicant to comply with Title 16 and Title 17, which would not allow a commercial driveway onto North 5th Street; however, he wanted to make sure if they came back with a waiver, they would not have to ask for a waiver of the conditions on the use permit.

Mr. Eastman indicated Condition Nos. 12 and 13 could be deleted and then let the waiver amend Condition No. 5 when it came forward to the Commission and City Council.

Deputy City Attorney Sanchez stated the applicant and Staff were recommending two different things, that the language in Condition No. 5, because Condition Nos. 12 and 13 only require the applicant to comply with Code, so the subject of discussion was Condition No. 5, which says there cannot be a driveway. Condition No. 5 might need to be amended to allow a driveway at all.

Jennifer Doody of Public Works explained Condition No. 5 repeated Condition Nos. 12 and 13.

Mr. Gronauer clarified if the applicant came back, he could ask for a waiver, which was a separate application. He did not want to have to bring the use permit back to request a waiver of Condition No. 5 and thought the easiest way was to add "unless otherwise approved by a separate waiver application."

Mr. Kus explained if the driveway on North 5th Street was allowed, it would only be right-in/right-out and he failed to see if the driveway was not allowed, what the difference was to take one extra right turn. Essentially, the first right would be onto Azure Avenue and the Second right would be into the driveway, so he did not see how that would impact the development of a c-store and gas station in a transit oriented corridor. By not allowing the driveway and making the decision at this point, served to maintain the integrity of the transportation corridor as well as the Transit Supportive Land Use Plan.

Commissioner Brown agreed with Mr. Kus, except when he reviewed the application, if you limit it to one driveway, he did not think a tanker truck could get in to refill the tanks.

Mr. Kus responded that should be further explored by redesigning the site.

Chairman Carvalho asked if the applicant could be required to install a median to run adjacent to the property, which only allowed right-in/right-out to keep traffic from going to the far lane to obstruct traffic.

Mr. Kus responded that had the potential to interfere with an outside transit or bus line.

Commissioner Jay Aston asked is someone were on the site and coming out onto Azure, how difficult it would be for them to make a left turn onto Azure and also asked if there was a median on Azure.

Mr. Kus stated there was not a plan to put a median on Azure. He clarified that the Commissioner was talking about exiting the property onto Azure and turning left toward North 5th Street. He indicated that maneuver should be relatively easy as Azure would only be carrying local traffic that were making a right turn off of North 5th Street heading west.

Chairman Shull asked if traffic would be able to turn left from North 5th Street onto Azure.

Mr. Kus responded they would not, as there would be a median across the intersection.

Mr. Gronauer explained he would like the discussion regarding the intersection to be held until the waiver was requested, but wanted to clarify if the waiver was approved, they would not have to submit an application to waive Condition No. 5 later.

Mr. Eastman stated Condition No. 5 could be amended to Read: "The proposed driveway on North 5th Street shall be removed as it is in direct violation of the property access standards set forth in North Las Vegas Municipal Code Section 17.24.130 and Uniform Standard Drawings for Public Works' Construction Off-site Improvements drawing number 222a, unless otherwise waived by the City Council with a separate application."

The following conditions were recommended for UN-81-08:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of approval for UN-80-08;

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Shull

SECOND: Commissioner Cato

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, and Cato

NAYS: Commissioners Brown and Trivedi

ABSTAIN: None

9. **VN-10-08 (36203) GALAXY 7 PROPERTIES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GALAXY 7 PROPERTIES ON BEHALF OF EAGLE 7 PROPERTIES AND PARKWILL ENTERPRISE, PROPERTY OWNER, FOR A VARIANCE IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FIVE (5) FOOT RESIDENTIAL ZONE BOUNDARY BUILDING SETBACK WHERE 30 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 6215 NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-008. (CONTINUED AUGUST 13 AND 27, 2008)**

The following presentation and discussion was carried forward from Item No. 7, UN-80-08:

Item Nos. 7, 8 and 9 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the proposed site was a relatively small parcel located along the North 5th Street corridor and the applicant was proposing a development containing a carwash and convenience food store with gas pumps. The uses were auto oriented and not pedestrian or transit oriented and were in conflict with the designs and recommendations of the North 5th Street Corridor Study Transit Supportive Land Use Plan; therefore, Staff was not supporting the proposed UN-80-08 and UN-81-08. If, however, the uses were deemed appropriate by the Commission, Staff had some concerns regarding the site plan. The Public Works Department indicated the driveway separation for the proposed curb cut along North 5th Street was not appropriate and was too close to the intersection with Azure Drive; therefore, the applicant would need a waiver of the requirements in Title 16 for driveway separation as well as the 200 foot separation listed in Title 17. The proposed site was not in compliance with Fire Code, as they do not have adequate access. The site should be redesigned, both with a reduction of the driveway and also to provide adequate access. The site has been reviewed and it was felt access could be granted that would be in compliance with Fire Code, even with the removal of the curb cut along North 5th Street. Staff was recommending denial of UN-80-08 and UN-81-08. If VN-10-08 were approved, with the redesign, the carwash could either be located with the convenience food store or located in a different area, so that it did not need as much of a set-back; however, the adjacent property, while residential, was a utility facility and its impact was not severe. Staff was also recommending that VN-10-08 be denied.

Should the Commission determine approval of UN-80-08 was warranted, the following conditions were recommended:

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

2. *Development of the site shall comply with the Commercial Development Standards and Design Guidelines, including but no limited to the following;*
 - a. *A minimum 5 foot perimeter landscape buffer shall be provided along the north property line.*
 - b. *Provide a minimum 15 foot landscape along the west property line.*
 - c. *All landscape areas shall include a minimum 24" box tree for every 15 feet on center with shrubs that include a 60% of ground cover within two (2) years of planting.*
3. *Applicant shall designate "Service and Loading Zone(s) for the proposed convenience food store with gas pumps. Service and Loading Zone(s) shall not block any required parking areas.*
4. *A minimum six (6) foot high rod iron gate shall be provided at the ends of the north facade of the car wash building between the perimeter wall.*
5. *The proposed driveway on North 5th Street shall be removed as it is in direct violation of the property access standards set forth in North Las Vegas Municipal Code section 17.24.130 and Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222A. Incidentally, a driveway will not be permitted on North 5th Street. Azure Avenue will need to accommodate the commercial driveway for the project.*
6. *The underground fuel tanks shall be identified on all future plans submitted to the City for review. Additionally, the applicant shall provide a turning analysis that clearly demonstrates that a WB-50 vehicle can maneuver on the property and is able to access the underground fuel tanks. The turning analysis shall be submitted for review prior to submittal of the traffic study. Should the results of the turning analysis prove to be unfavorable, the use of gas pumps will be prohibited.*
7. *Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and City of North Las Vegas Municipal Code section 16.24.100.B:*
 - a. *North 5th Street*
 - b. *Azure Avenue*
8. *A minimum of five stacking spaces shall be provided at the entrance to the car wash and shall not block access to parking stalls.*
9. *A loading area is required and shall not block parking or drive aisles.*
10. *Approval of a traffic study is required prior to submittal of the civil improvement plans.*

11. *The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street.*
12. *The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.*
13. *Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.*
14. *Approval of a drainage study is required prior to submittal of the civil improvement plans.*
15. *All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.*
16. *North 5th Street shall be designed in accordance with the City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements.*
17. *The required median island within North 5th Street shall be landscaped.*
18. *Median landscape and irrigation plans must be submitted to the Parks Department. The developer's landscape architect should contact John Jones, Landscape Architect with the Parks and Recreation Department at 633-1611, for landscaping requirements prior to designing the landscape plan(s) for the median. Final approval of the civil improvement plans will not be acquired prior to Parks approval of the landscaping plans.*
19. *The guidelines for grading/sloping adjacent to North 5th Street are as follows:*
 - a. *The ten (10) foot landscape area between the curb, and the ten (10) foot sidewalk, shall maintain a two percent (2%) cross slope to the street.*
 - b. *Grading adjacent to the North 5th Street right-of-way shall not exceed a slope of 6:1.*
20. *All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.*
21. *The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.*

22. *All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if they are relocated or adjusted.*
23. *Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.*
24. *All off-site improvements must be completed prior to final inspection of the first building.*
25. *Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.*
26. *Turning radii along the fire access lane should be designed in accordance with the Fire Code.*

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant and property owner. He gave an overview of some of the development that had been approved and what was being proposed along the North 5th corridor.

Mr. Gronauer understood at build-out they were required to put in a median that would block off Azure Avenue from allowing traffic to make left and right hand turns across. Traffic would be allowed to make right turns onto North 5th Street, but would not be able to go across on the east side of North 5th Street or go across and go north on North 5th Street. He explained they previously rezoned the parcel to commercial, although it was master planned for Mixed Uses, but the problem they ran into was that it was a widow piece of property or out parcel, as there was nothing that could be done with the property, which was why they were requesting the current use. Under mixed use they would not be able to put in apartments, single-family homes, or a high rise project on one acre of property. There was a median requirement. From the northern portion of the property they would have to go 195 feet and build a median going along North 5th Street. Azure Avenue was a 60 foot right-of-way and North 5th Street was designated at the major transit corridor. The convenience store with gas pumps was appropriate at the proposed location as there were no services located along the North 5th Street corridor within close proximity. The closest use was located on Craig Road and North 5th Street. There was a proposed use on Ann Road and North 5th Street but was not yet built. It could be argued that the use was not transit/pedestrian oriented but in a master planned area you would still need to use these type of services when they were not located within the general vicinity. Because the property had residential zoning, they were required to meet the Commercial Design Guidelines to buffer the property from a residential use. The Southwest Gas facility was

not a residential use and would not be a residential use. They were asking for a variance at that location to allow a building to be no further than five feet from the existing wall, which would not have a negative impact to the adjacent property owner. He explained there were a lot of constraints on the site, which made it very narrow and hard to develop and there was 165 feet of frontage on North 5th Street.

The use permits were continued to allow the applicant to address some of Staff's concerns regarding the site plan. The stacking of the car wash was redesigned to come behind the parking. Staff also had concerns with the turning radii with respect to the project and the plans show the turning radius for the fuel trucks and also shows the location of the fuel tanks with the gas pump location. He indicated being able to use the driveway on North 5th Street was important to help create circulation within the project as the site was very narrow. Code required the driveway to be 150 foot off the center section of Azure Avenue to have a commercial driveway and fall less than 150 feet. He asked for approval of VN-10-08 allowing them to have the right turn, right-out right-in movement, as it would not be a conflict with anything on Azure.

Mr. Gronauer stated if the Commission were to approve the application, with respect to the commercial driveway on North 5th Street, there were two conditions in the convenience store application, UN-80-08, that would need to be amended or clarified, which would allow a commercial driveway on North 5th Street for right turn-in, right turn-out.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Steve Brown agreed with Public Works regarding the driveway on North 5th Street, unless there was some way to put in a median to protect traffic flow. There was also an issue of circulation on the site. He was flexible with the carwash but recommended not having it as it was too much for the site. He was supportive of the variance and recommended a continuance so the site could be redesigned, as he was not supporting the current design.

Commissioner Jo Cato asked the applicant if there were any other C-Stores in the area.

Mr. Gronauer responded from Azure north, there were no existing convenience stores that were approved or constructed. The closest one on North 5th Street was at Ann Road and North 5th, but was not yet developed, and then the next closest would be a Green Valley Grocer on Craig Road and North 5th Street.

Commissioner Cato was in support of the applications, but was concerned about the trucks delivering to the site, as it did not appear there was room to turn. She also felt the application should be continued to work that out with Staff and felt with all of the apartments that were slated for the North 5th corridor, there needed to be c-stores with gas stations.

Mr. Eastman pointed out there was an approved, and not yet constructed, c-store at Ann Road and North 5th Street and there was also one proposed with the mixed use PUD at the corner of Centennial and North 5th that was also approved with the PUD and not constructed and the next was at Craig Road.

Commissioner Dilip Trivedi was not supporting the applications as the use was not pedestrian oriented, which was what was wanted along the North 5th Corridor. He was supportive of a convenience store, mini-mart or small grocery store, but a gas station and car wash was not appropriate. There was a transit station planned at the intersection of Azure and North 5th and the use would be at the core of the station and suggested a sit down restaurant or a retail use at the proposed location.

Chairman Carvalho stated the area was high density and would need gas stations and carwashes and was in support of the c-store with gas station and carwash.

Commissioner Trivedi asked Staff if City Council had approved a storage yard on North 5th Street.

Marc Jordan, Planning Manager responded they had not; the storage yard was approved to be located on Alexander Road just west of Losee Road.

Commissioner Brown asked the applicant if he was willing to continue the application to work with Staff on the site plan.

Mr. Gronauer responded the critical issue was ingress/egress off of North 5th Street and if they could not get ingress/egress off of North 5th, it would kill the convenience store project. They could work around other issues but not the ingress/egress and they could not accept the Commission eliminating the driveway on North 5th Street.

Commissioner Brown asked Mr. Gronauer if anything could be put in the street to make them happy with having a right turn-in right turn-out entrance.

Clete Kus of Public Works explained the site plan was reviewed with the Director of Public Works and unfortunately, in regards to a driveway on North 5th Street, it was not supported by the Department of Public Works.

Commissioner Harry Shull asked if it was in the Commission's purview to approve the right-in/right-out only.

Mr. Eastman responded if the use permits and the site plan were approved, the applicant would need to apply for a waiver to allow a reduction in the driveway separation.

Commissioner Shull did not have a problem with the access on North 5th Street if the use was approved.

Mr. Gronauer clarified if the use permits were approved, a waiver would have to be requested for the driveway and if approved, they could go forward with the uses; but, if the uses were denied, they would have to appeal to City Council.

Mr. Eastman explained if the use permits were approved, the applicant would come back before the Commission with a waiver of Title 16 requirements, which required both Commission and City Council approval.

Mr. Eastman explained if the Commission was moving for approval, there were conditions that needed to be amended. Condition No. 25 would be amended to read: "Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code." Condition No. 26 amended to read: "Turning radii along the fire access lane shall be designed in accordance with the Fire Code."

Bethany Sanchez, Deputy City Attorney explained if the waivers were not being considered, Condition Nos. 5, 12 and 13 could remain as drafted until the waiver application was submitted. Staff wanted to make it clear if that was the decision of the Planning Commission, until a variance or waiver was granted, that the proposed driveway would have to conform with the applicable Commercial Design Guidelines, Title 16, and Title 17 and could not be constructed according to what was shown on the plans.

Mr. Gronauer stated, for the record, the Commission's approval was requiring the applicant to comply with Title 16 and Title 17, which would not allow a commercial driveway onto North 5th Street; however, he wanted to make sure if they came back with a waiver, they would not have to ask for a waiver of the conditions on the use permit.

Mr. Eastman indicated Condition Nos. 12 and 13 could be deleted and then let the waiver amend Condition No. 5 when it came forward to the Commission and City Council.

Deputy City Attorney Sanchez stated the applicant and Staff were recommending two different things, that the language in Condition No. 5, because Condition Nos. 12 and 13 only require the applicant to comply with Code, so the subject of discussion was Condition No. 5, which says there cannot be a driveway. Condition No. 5 might need to be amended to allow a driveway at all.

Jennifer Doody of Public Works explained Condition No. 5 repeated Condition Nos. 12 and 13.

Mr. Gronauer clarified if the applicant came back, he could ask for a waiver, which was a separate application. He did not want to have to bring the use permit back to request a waiver of Condition No. 5 and thought the easiest way was to add "unless otherwise approved by a separate waiver application."

Mr. Kus explained if the driveway on North 5th Street was allowed, it would only be right-in/right-out and he failed to see if the driveway was not allowed, what the difference was to take one extra right turn. Essentially, the first right would be onto Azure Avenue and the Second right would be into the driveway, so he did not see how that would impact the development of a c-store and gas station in a transit oriented corridor. By not allowing the driveway and making the decision at this point, served to maintain the integrity of the transportation corridor as well as the Transit Supportive Land Use Plan.

Commissioner Brown agreed with Mr. Kus, except when he reviewed the application, if you limit it to one driveway, he did not think a tanker truck could get in to refill the tanks.

Mr. Kus responded that should be further explored by redesigning the site.

Chairman Carvalho asked if the applicant could be required to install a median to run adjacent to the property, which only allowed right-in/right-out to keep traffic from going to the far lane to obstruct traffic.

Mr. Kus responded that had the potential to interfere with an outside transit or bus line.

Commissioner Jay Aston asked is someone were on the site and coming out onto Azure, how difficult it would be for them to make a left turn onto Azure and also asked if there was a median on Azure.

Mr. Kus stated there was not a plan to put a median on Azure. He clarified that the Commissioner was talking about exiting the property onto Azure and turning left toward North 5th Street. He indicated that maneuver should be relatively easy as Azure would only be carrying local traffic that were making a right turn off of North 5th Street heading west.

Chairman Shull asked if traffic would be able to turn left from North 5th Street onto Azure.

Mr. Kus responded they would not, as there would be a median across the intersection.

Mr. Gronauer explained he would like the discussion regarding the intersection to be held until the waiver was requested, but wanted to clarify if the waiver was approved, they would not have to submit an application to waive Condition No. 5 later.

Mr. Eastman stated Condition No. 5 could be amended to Read: "The proposed driveway on North 5th Street shall be removed as it is in direct violation of the property access standards set forth in North Las Vegas Municipal Code Section 17.24.130 and Uniform Standard Drawings for Public Works' Construction Off-site Improvements drawing number 222a, unless otherwise waived by the City Council with a separate application."

Mr. Eastman added, if the site could be redesigned, the variance request was not needed; however, the variance was not impacting the neighboring properties.

The following conditions were recommended for VN-10-08:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the development of this site be in compliance with all conditions of approval for UN-80-08 & UN-81-08;

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, and Cato

NAYS: Commissioner Trivedi

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Marc Jordan, Planning Manager informed the Commission he had checked the meeting schedule for November and December. He explained the November 26, 2008 meeting fell the day before Thanksgiving and in the past, the meeting had been moved to Tuesday, but there was another meeting scheduled in Chambers on that day and the December 24, 2008 meeting was Christmas Eve and asked the Commission if they would like to reschedule or cancel the meetings.

It was the Commission's decision to cancel both the November 26 and December 24, 2008 Planning Commission meetings.

CHAIRMAN'S BUSINESS

Commissioner Dilip Trivedi asked if there had been contact with Council on having a work session on The Blue Print for Nevada.

Frank Fiori, Planning and Zoning Director responded he had presented the information and was waiting to hear back from Council, but it would probably be in November or December.

ADJOURNMENT

The meeting adjourned at 7:22 p.m.

APPROVED: October 8, 2008

/s/ Angelo Carvalho
Angelo Carvalho, Chairman

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