

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

July 22, 2009

BRIEFING: 5:30 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 Dean Leavitt

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

STAFF PRESENT: Frank Fiori, P & Z Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Morgan, Deputy City Attorney
Lorena Candelario, PW Real Property Mgmt.
Vidya Medisetty, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Louise Steeps, Utilities
Melissa Krause-Gradney, Recording Secretary

VERIFICATION: Melissa Krause-Gradney

PLEDGE OF ALLEGIANCE: Commissioner Dilip Trivedi

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING
OF JUNE 24, 2009.**

ACTION: APPROVED

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **VN-09-09 (39155) TASCHNER SHEDS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RONALD AND RITA TASCHNER, PROPERTY OWNERS, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A ZERO (0) REAR YARD BUILDING SETBACK AND SIDE YARD BUILDING SETBACK WHERE THREE (3) FEET IS THE MINIMUM BUILDING SETBACK REQUIRED FOR TWO (2) EXISTING ACCESSORY STRUCTURES. THE VARIANCE IS ALSO TO ALLOW A ONE (1) FOOT AND A THREE (3) FOOT SEPARATION FROM THE PRINCIPLE STRUCTURE WHERE A FIVE (5) FOOT SEPARATION IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 4627 IMPERIAL BEACH STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-07-115-085.**

The application was presented by Marc Jordan, Planning Manager who explained one of the primary reasons for the setbacks in the zoning ordinance was for safety purposes so structures were not encroaching onto adjacent properties and to be able to protect the adjacent property from hazards, such as fire, in case something were to happen to the buildings. According to the applicant, the first building was constructed in January 2008 and a second building was constructed in August 2008 by Tuff Shed. Even though the buildings themselves were less than 120 square feet, which did not require a building permit, the applicant was not exempt from complying with the setback requirements. The Fire Department indicated when there were two or more sheds in close proximity, the aggregate total of the buildings were considered and as a result of the total, they would require at least a one hour fire rating on the walls bordering the property line to help protect the buildings and the property. A variance should only be used as a resolution due to an unforeseen hardship that might be unique to that property. In reviewing the application, the property was rectangular, which was the same type of property located around them; therefore, there was nothing unique about the property that would warrant supporting the variance, therefore, Staff was recommending that VN-09-09 be denied.

Attorney Greg Cortese (no address stated) appeared on behalf of the applicant indicating the buildings were professionally installed Tuff Sheds on concrete pads with siding, composite shingle roofing and the aesthetics added to the and pointed out the undue hardship was that the sheds could not be moved as they were surrounded by cement and there was no room in which to move them. The applicant had relied on Tuff Shed to adhere to Code when installing the sheds. There was no electrical supply to the sheds which were used to store household items, pool supplies, and tools. He explained the Staff Report stated the sheds housed the pool pumps, which was not the case. The sheds were located at the southwest corner of the property and the neighbors to the west and south were not opposed to them. The neighbors to the east were opposed, but the sheds were not located on their adjoining wall. The sheds were not visible from the street and the roof of the shed was approximately 1 ½ feet taller than the wall. He felt the

applicant could comply with recommendations made by the Fire, Building and Public Works Departments and asked for approval and pointed out the setbacks could not be complied with; the sheds would have to be left where they were and perhaps make the walls one hour fire rated. If the sheds had to be removed, it would cause undue hardship to the applicant.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- **Jason Webb, 4620 Imperial Beach, North Las Vegas, NV 89032** was concerned with a fire issue, as given the fact that the structures were not a reasonable distance from the structure and the property line, in the event of a fire, there would be insurance and liability issues. He was opposed to the variance request.
- **Susan Carreno, 4623 Imperial Beach Avenue, North Las Vegas, NV 89032** indicated she was the neighbor to the east of the applicant and voiced concerns not related to the variance request, and was opposed to the variance.
- **Joseph Carreno, 4623 Imperial Beach Avenue, North Las Vegas, NV 89032** submitted a petition of residents in the neighborhood who were opposed to the variance.

Chairman Leavitt closed the Public Hearing.

Mr. Cortese pointed out from listening to the public comments, that there was not a problem with the variance for the sheds, but with other concerns regarding the Taschners. The Fire Department had no issues with the variance request as long as the walls were fire rated. He also pointed out the adjacent property owners on the two walls where the sheds were located, were not opposed to the variance request.

Commissioner Jay Aston understood the biggest issue was the one hour fire rating on the shed walls and asked if there were other issues and concerns.

Mr. Jordan responded fire was a concern, but Planning Staff, regardless of what Fire stated, would still have recommended denial because in the Staff Report, when you look at it, there were four things the Commission should look at and find in order to warrant approval of a variance. There was also a State law, NRS 278.300 that also outlines criteria for a variance and in Staff's review, those four items in NRS had not been met by this application. All properties were basically the same shape and the house in the proposed application was the same model and the other homes had met the setback requirements, so there was nothing unique about the property that would warrant Staff's support.

Commissioner Aston felt one of the neighbors' biggest concerns was fire related issues and there were ways to make the sheds one hour fire rated.

Vice-Chairman Steve Brown inquired if the variance application was due to a Code Enforcement issue or a complaint.

Mr. Cortese understood the variance request was due to a complaint from one of the neighbors who spoke during the public hearing.

Vice-Chairman Brown also asked why Tuff Shed installed the buildings so close to the wall and if the owners requested that the setback requirements be ignored.

Mr. Cortese explained the applicant needed more storage space and were not aware of the setback requirements and thought they were under the impression because the sheds were less than 120 square feet each, there was no necessity for a permit. There were considerations other than the square footage, due to the setback issues and it was impossible for the sheds, at this time, to be in compliance with Code.

Vice-Chairman Brown explained bringing the sheds into compliance would be intensive, as it would require moving the pads to a different location and rebuilding the sheds.

Mr. Cortese explained the sheds would not fit in any other configuration.

Vice-Chairman Brown agreed the sheds looked nice and were well built; however, there would be limitations put on what could be stored, so at a later date flammable items could not be stored. He was in agreement with Staff and was not in support of the application.

Commissioner Dilip Trivedi commented that even if the Commission were to approve the variance request, the Building Code requirements could not be overridden. If Code required a one hour fire rated wall, that would have to be done. He suggested the applicant's issue was with Tuff Shed and there was no support from the neighbors and was not in support of the variance request.

ACTION: DENIED

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

2. **UN-40-09 (39205) NV-LSV 643 CLEAR WIRELESS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLEAR WIRELESS LLC ON BEHALF OF GLEN ANDERSON, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 100-FOOT TELECOMMUNICATIONS TOWER TO BE LOCATED APPROXIMATELY 122 FEET FROM AN EXISTING TELECOMMUNICATIONS TOWER WHERE A 750 FOOT SEPARATION IS REQUIRED. THE PROPERTY IS LOCATED AT 2604 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-15-802-009.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting a reduction of separation from another tower of approximately 122 feet. In reviewing the application, the applicant gave an affidavit indicating they tried to co-locate on another tower with Verizon Wireless and Verizon would not allow them to do so. In addition, they found a couple of other locations within the area; however, one of the towers was approximately 50 feet in height, but did not meet their requirements and another area was a public park in which the City would not allow the applicant to install the tower. The area where the tower was proposed to be located was an area where there was a utility easement; therefore, the tower would need to be moved away from the utility easement approximately 20 feet, which would still be in compliance with the approximate 122 feet from the other tower. Staff had no objection and was recommending approval of UN-40-09 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Relocate the proposed tower facility 20 feet north of the proposed location.
3. There is an existing 39 foot private drive and public drainage and utility easement that straddles the southern property line of this parcel. The proposed equipment shall be located outside of the existing easement.
4. The Department of Public Works shall review the proposed location of the tower prior to issuance of any and all permits associated with this application to avoid any conflicts with the construction of North 5th Street.
5. An approved method of turning around emergency vehicles must be provided. The turn-around is to be located and designed per the Fire Code.
6. Fire lane(s) must be marked to prohibit parking in accordance with the Fire Code.

Shane Hennessy-York, 7030 Smoke Ranch Road, Las Vegas, NV 89128 appeared on behalf of the applicant indicating he concurred with Staff recommendation and understood

there was a public utility easement present on the site and would amend the lease with the landlord.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

3. **UN-39-09 (39179) PECOS MART AND DELI U-HAUL RENTAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LANE HOLMES ON BEHALF OF STOP N SHOP 2 LAND, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW RENTAL VEHICLES (U-HAUL). THE PROPERTY IS LOCATED AT 3025 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-506-004.**

Item Nos. 3 and 4 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the site was currently used as a convenience food store with gas pumps and was an older site, which did not meet the current Design Standards; however, was built well before the Design Standards were in place; therefore, it was a legal use but the building was legally non-conforming. The U-Haul truck rental facility was for six trucks located on the site and the proposed site plan placed it along the southern property line. Also along that property line was the proposed smog check facility. As uses go, there was no problem with either use. The smog check facility does not meet the Design Standards and would need to be amended to build a building that was more in compliance; however, Staff felt that could be done through conditions. The problem was, the site currently showed a total of 22 spaces, however, the smog check facility takes away some of the parking and after all uses are added, they were only showing 18 parking spaces, where 22 spaces were required; therefore, the site was short on parking. Additionally, the Public Works Department reviewed the internal circulation and needs additional throat depth on the driveway exits and were also concerned with the proximity of the smog check facility with the backing movements into the parking lot; therefore, the site needed to be redesigned. Staff was recommending both items be continued to allow the applicant additional time to redesign the site. Should the Commission determine approval was warranted for UN-39-09, Staff was recommending the following conditions:

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 a minimum of 22 parking spaces shall be provided for the site. Required parking spaces shall not include any areas used for automotive service nor any parking spaces for the rental trucks.
3. That the site shall not be used to store more than six (6) rental trucks at any one time and the rental trucks shall be parked in designated oversized parking spaces on the site.
4. That perimeter landscaping shall be provided within the existing planters along North Las Vegas Boulevard per Title 17.24.200.J. This includes street trees and appropriate coverage of ground cover per Title 17.24.200.J.

5. Relocate the smog station at least 50 feet from the property line to maintain adequate throat depth for the southerly driveway on Las Vegas Boulevard
6. Apply and maintain striping for parking stalls on the site.

Lane Holmes, 200 Rosemary Lane, Las Vegas, NV stated the site had been redesigned and asked that the application be approved with the conditions listed.

Chairman Leavitt asked Staff if they had seen the revised site plan.

Mr. Eastman responded he had seen the site plan while speaking with the applicant; however, the site plan had not been formally submitted or been circulated to the other members of Staff, therefore, was asking that the application be continued to allow Staff to have a formal submittal and review period.

Chairman Leavitt asked how much time was being recommended.

Mr. Eastman responded if the plan was turned in tomorrow, two weeks would be sufficient.

Mr. Holmes stated he could turn it in tomorrow, but was hoping to go forward and satisfy the conditions between now and when the item was heard by the Redevelopment Agency.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston felt since the application was going forward to Redevelopment, Staff would have time to review the site plan, before it was heard by that Board.

Commissioner Harry Shull stated he concurred with Commissioner Aston.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION**

MOTION: Commissioner Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

4. **UN-41-09 (39217) PECOS MART AND DELI SMOG STATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LANE HOLMES ON BEHALF OF STOP N SHOP 2 LAND, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG STATION). THE PROPERTY IS LOCATED AT 3025 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-506-004.**

Item Nos. 3 and 4 were presented together.

The application was presented by Robert Eastman, Principal Planner who explained the site was currently used as a convenience food store with gas pumps and was an older site, which did not meet the current Design Standards; however, was built well before the Design Standards were in place; therefore, it was a legal use but the building was legally non-conforming. The U-Haul truck rental facility was for six trucks located on the site and the proposed site plan placed it along the southern property line. Also along that property line was the proposed smog check facility. As uses go, there was no problem with either use. The smog check facility does not meet the Design Standards and would need to be amended to build a building that was more in compliance; however, Staff felt that could be done through conditions. The problem was, the site currently showed a total of 22 spaces, however, the smog check facility takes away some of the parking and after all uses are added, they were only showing 18 parking spaces, where 22 spaces were required; therefore, the site was short on parking. Additionally, the Public Works Department reviewed the internal circulation and needs additional throat depth on the driveway exits and were also concerned with the proximity of the smog check facility with the backing movements into the parking lot; therefore, the site needed to be redesigned. Staff was recommending both items be continued to allow the applicant additional time to redesign the site. Should the Commission determine approval was warranted for UN-41-09, Staff was recommending the following conditions:

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 a minimum of 22 parking spaces shall be provided for the site. Required parking spaces shall not include any areas used for automotive service nor any parking spaces for the rental trucks.
3. That perimeter landscaping shall be provided within the existing planters along North Las Vegas Boulevard per Title 17.24.200.J. This includes street trees and appropriate coverage of ground cover per Title 17.24.200.J.
4. That the Architectural Character and Design of the smog testing facility shall be

complimentary and coherent with the design of the existing C-store on the site and the color scheme of the exterior finish shall match that of the C-store. Simulated materials and building systems which provide a look which is similar to the principal structure (C-store) on the site may also be acceptable.

5. Relocate the smog station at least 50 feet from the property line to maintain adequate throat depth for the southerly driveway on Las Vegas Boulevard
6. Apply and maintain striping for parking stalls on the site.
7. If domestic potable water and sanitary refuge services are not to be provided for the smog station structure, a letter will be required from the owner stating that the market's facilities will be utilized by smog station employees to be submitted to the Utilities Department.

Lane Holmes, 200 Rosemary Lane, Las Vegas, NV stated the site had been redesigned and asked that the application be approved with the conditions listed.

Chairman Leavitt asked Staff if they had seen the revised site plan.

Mr. Eastman responded he had seen the site plan while speaking with the applicant; however, the site plan had not been formally submitted or been circulated to the other members of Staff, therefore, was asking that the application be continued to allow Staff to have a formal submittal and review period.

Chairman Leavitt asked how much time was being recommended.

Mr. Eastman responded if the plan was turned in tomorrow, two weeks would be sufficient.

Mr. Holmes stated he could turn it in tomorrow, but was hoping to go forward and satisfy the conditions between now and when the item was heard by the Redevelopment Agency.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston felt since the application was going forward to Redevelopment, Staff would have time to review the site plan, before it was heard by that Board.

Commissioner Harry Shull stated he concurred with Commissioner Aston.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

5. **FDP-01-09 (39215) DOTTY'S #46 AT LAKE MEAD. AN APPLICATION SUBMITTED BY DOTTY'S ON BEHALF OF CORNER SHOPPING CENTER INC., PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN AN R-A/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) CONSISTING OF A 3,500 SQUARE FOOT NON-RESTRICTED GAMING ESTABLISHMENT AND 2,930 SQUARE FEET OF RETAIL AND OFFICE SPACE. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-310-001 AND 139-24-310-002.**

The application was presented by Marc Jordan, Planning Manager who explained Staff was recommending approval and had indicated a few minor concerns they would like to see revised on the plan. The applicant submitted a revised site plan indicating compliance with Staff's concerns and demonstrated compliance with the PUD requirements and have shown the miscellaneous type of apparatus within the landscape area to show they can still landscape the area. The only minor concern Staff had was that the existing site plan showed a pole sign, which the applicant indicated would be removed and a new monument sign installed. Mr. Jordan pointed out the site plan showed the new monument and also showed the pole sign and reminded the applicant the pole sign would have to be removed. He also indicated there was a condition in place that addressed the issue. Staff was recommending approval of FDP-01-09 and that it be forwarded to the Redevelopment Agency with the following conditions:

1. That, unless otherwise approved, 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 ZN-01-09;
3. The applicant shall submit a sign permit application for review and approval for the proposed monument sign and the existing pylon sign shall be removed.
4. All perimeter landscaping along Civic Center Drive and Lake Mead Boulevard shall be approved and installed before certificate of occupancy of any building within the site.

George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL
CONSIDERATION

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

6. SPR-10-09 (39213) COLEMAN AIRPARK II/III. AN APPLICATION SUBMITTED BY COLEMAN AIRPARK II, LLC AND COLEMAN AIRPARK III, LLC, PROPERTY OWNERS, FOR A SITE PLAN REVIEW IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO ALLOW APPROXIMATELY 687,000 SQUARE FEET OR 638,000 SQUARE FEET OF OFFICE/WAREHOUSE SPACE. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF EVANS AVENUE AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-17-611-001.

The application was presented by Robert Eastman, Principal Planner who explained the site originally was approved with 26 industrial buildings and with the current request, six of the buildings have been condensed into three larger buildings. The buildings are in compliance with the Commercial Design Standards and are the same general architectural design that was originally approved in 2006 and 2007. The applicant was proposing a berm and screen wall along Evans Avenue to buffer the industrial buildings from the residential. From a Staff perspective, it was preferred that the building, which currently has truck access or truck loading docks facing Evans Avenue, be rotated so the loading bays were located in the interior of the site, as it was felt that would help discourage truck traffic along Evans or into the residential neighborhood and encourage the trucks to use the street pattern that was throughout the industrial area. The site plan, as currently proposed, is generally in conformance with what was originally approved with SPR-03-06, both in 2006 and again in 2007. Staff was recommending that SPR-10-09 be continued to allow the applicant time to redesign the site. 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. That development shall comply with Industrial Standards and Design Guidelines, including but not limited to the following;
 - a. Storage and loading zones shall be screened by buildings, decorative walls, and/or dense landscaping
 - b. Buildings adjacent residential boundary property must maintain a 30 foot setback.
 - c. A solid masonry wall and/or landscaping berm with the minimum of 6 feet above finish grade shall be provided at back of setback to screen any loading or storage area abutting a public street.
 - d. A six foot wide landscaping island shall be required within each parking row for every 15 parking spaces contained within the row, and at the end of each row.
 - e. Refuse collection areas shall be located away from the street front and screened from view from rights-of-way, sidewalks, and abutting properties through the use of landscaping and screening.

3. That only emergency access shall be provided at the western access point along Evans Avenue.
4. The site shall be redesigned to place all truck loading bays towards the interior of the site away from adjacent residential property.
5. The development shall comply with the current parking requirements
6. Applicant shall submit a traffic study update for review and approval.
7. Submit a revised Hydraulic Analysis per the "Uniform Design and Construction Standards for Potable Water Systems" (UDACS) and calculations for Wastewater Flows which are subject to review and approval of the Utilities Department.
8. Fire access lanes shall be located in accordance with Fire Code requirements.
9. Fire access lanes shall be designed in accordance with Fire Code requirements.
10. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Bob Gronauer, Kummer Kaempfer Bonner Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant giving some history on the site to explain why he would be requesting that Condition Nos. 3 and 4 be deleted. Condition No. 3 stated that "only emergency access shall be provided at the western access point along Evans" and Condition No. 4 stated "the site shall be redesigned to place all truck loading bays toward the interior of the site away from adjacent residential property". In 2006 the application for the site plan was approved by the Planning Commission. It was approved with a condition that required that the western most ingress/egress along Evans would be ingress and egress for fire services. In the minutes of 2006, Mr. Eastman read the amended Condition No. 4 as follows: "Only emergency access shall be provided at the western access point". The motion was made by Commissioner Leavitt and seconded by Commissioner Carvalho and unanimously approved. The site plan, as proposed in 2006 with the bays in the back, as long as the landscape and screening requirements were met, and the access points, two for truck traffic and the other one for emergency access, was already approved on the site plan. In January 2007, the plan was tweaked while working with Public Works with respect to the amount and location of driveways. The emergency access along Evans was removed, and moved along Coleman Street. The building remained in the same place and 20 feet of landscape was still being provided with landscape screening and a berm. In 2007, there was two access points on Evans and one on Coleman Street and in 2007 there was an amended condition on the site plan review that stated the driveway on Coleman Street nearest Evans Street, must be limited to Fire Department and emergency access only.

Both Condition Nos. 3 and 4 were addressed in 2006 and 2007. The site plan, as submitted in 2009, shows the changes along Evans Street. The new plan shows the removal of the fire access, as it was no longer required. There are two means of access onto Evans Street. The access points on the current site plan are constructed based on the approvals in 2007. Condition No. 3 states that only emergency access shall be provided at the western access point along Evans Street. He believed that over the years the applications had been approved, the intent was to address the driveway and was always to have ingress and egress on Evans Street and requested that Condition No. 3 be deleted. He pointed out in 2006 the location of the truck bays were facing on Evans Street and there were no issues, and in 2007, the building was backing on Evans Street and there were no issues and today the only change was the configuration of the size of the buildings and the back bays were still facing toward the back. If the bays were moved to the interior of the site, there would be an issue with the truck traffic and the bays conflicting with the regular vehicular traffic. Mr. Gronauer requested the site plan remain as presented. The changes in Condition No. 2 were always required and were minor changes and would not hold up approval of the plans.

Commissioner Dilip Trivedi asked if the berm had changed since 2006 and 2007.

Mr. Gronauer responded the berm had not been changed.

Commissioner Trivedi was in support of the application as long as the loading bays were screened properly and agreed with the applicant that it would not be prudent to mix truck and car traffic by flipping the first building. Commissioner Trivedi asked the applicant what was proposed for better screening.

Mr. Gronauer responded a landscape berm and landscaping, which was sufficient screening for the building, was required by Code.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 3 AND 4

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

7. **VAC-04-09 (39012) VACATION OF TONOPAH TO J. NUGGET, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JERRY'S NUGGET INC., PROPERTY OWNER, TO VACATE A PORTION OF TONOPAH STREET BETWEEN NORTH FIFTH STREET AND LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-302-001. (CONTINUED JUNE 24, 2009)**

The application was presented by Marc Jordan, Planning Manager who explained the Public Works and Utilities Departments indicated they would still want to see a public utility easement reserved over the entire area being vacated and the Fire Department indicated they would still need fire access lanes maintained through the area. Staff was recommending approval of VAC-04-09 with Condition No. 5 deleted. The original recommended conditions are as follows:

1. A public utility easement shall be reserved over the entire area to be vacated.
2. The vacation shall record concurrent with the public utility easement as identified in condition #1.
3. The developer shall not place any structure within thirty feet (30') of the existing water and sewer main or as otherwise approved by the Director of Utilities.
4. Fire access lanes shall be maintained in accordance with Fire Code requirements for the area of the proposed vacation.
5. An easement be excepted therefrom to Central Telephone Company on, over, in, under across, above and along that certain real property.

Peter DeMangus, 1821 Las Vegas Boulevard North, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 5; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Brown

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

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

APPROVED: August 26, 2009

/s/ Dean Leavitt
Dean Leavitt, Chairman

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