

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

June 8, 2011

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

ROLL CALL: Chairman Dilip Trivedi - Present
Vice-Chairman Steve Brown - Absent
Commissioner Dean Leavitt - Present
Commissioner Jay Aston - Present
Commissioner Jo Cato - Present
Commissioner Laura Perkins - Absent
Commissioner Joseph DePhillips - Present

STAFF PRESENT: Frank Fiori, Community Development Director
Marc Jordan, Planning Manager
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Nicole Hunt, Utilities Department
Carolyn White, Police Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dilip Trivedi

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jay Aston

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF APRIL 13, 2011.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-38-11 (43130) RAISING CANE'S (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOHN DAVID BURKE ARCHITECTURE ON BEHALF OF CFT DEVELOPMENT, LLC, PROPERTY OWNER FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 2220 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-02-613-021.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop a new Raising Cane's fast food restaurant located just east of the existing Panda Express and two waivers to the Design Standards were being requested; the first was to allow a reduction in the landscaping adjacent to Craig Road from 20 feet to 10 feet, as the applicant was proposing to install additional parking in that area and the second was to waive the landscape requirement on the east side of the new building where the customer entrance was located. The design of the building complied with the Design Standards and Staff was supporting the landscape waiver on the east side of the building, as the applicant had provided more landscaping on the north side and were also providing landscaping on the south side of the building that would be a compensating benefit to the waiver. In regards to the landscaping adjacent to Craig Road, a revised site plan was submitted that eliminated the parking on the east side of the proposed driveway, which was mainly due to concerns of the Public Works and Fire Departments. With the original plan, they had 45 degree parking that would have had a traffic conflict in the area, which was removed. As a result, in the revised plan, the applicant was still requesting a waiver to reduce the landscaping for that area in the parking lot along Craig Road to 12 feet instead of the original 10 feet requested. Staff was not supporting the waiver; however, Staff was recommending approval of UN-38-11 with 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. The site plan shall comply with the Commercial Design Standards with the following modification, foundation landscaping or an equivalent design element shall be provided along the eastern elevation of the building, subject to review and approval of the Community Development Director.
3. The scuppers, down spouts and roof ladder shall be included into the design of the building.
4. All known geologic hazards shall be shown on the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.

5. At the southeast area of the project, the three parking spaces fronting Craig Road shall be eliminated. Parking stalls will not be permitted in this area so as to avoid congestion at the existing driveway on Craig Road.

Mr. Jordan pointed out if the Commission determined the landscape waiver along Craig Road was appropriate, Condition No. 2 would need to be amended.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 appeared on behalf of the applicant and explained the waiver requests and the landscaping being provided at the rear of the building and pointed out there would be landscaping at the nose of each parking stall along the east property line. He concurred with Staff recommended conditions and explained they were providing a three foot decorative block wall along the front along Craig Road to prevent headlights from shining out onto Craig Road.

Commissioner Jay Aston was in support of the landscape waivers being requested.

Mr. Vornsand added they were providing 23 ½ feet of average landscaping across the frontage of Craig Road.

Commissioner Dean Leavitt was in support of the application and appreciated the applicant paying attention to the expanded landscaping along Craig Road.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Chairman Trivedi was in support of the application and asked the applicant if the site was over parked.

Mr. Vornsand responded the site was over parked by five or six spaces.

Commissioner Aston moved to approve the application and asked Mr. Jordan to read an amended Condition No. 2 into the record.

Mr. Jordan proposed Condition No. 2 be amended to read: "The Site Plan shall comply with the Commercial Design Standards with the following modifications: A. Foundation landscaping or an equivalent design element shall be provided along the eastern elevation of the building, subject to review and approval of the Community Development Director or designee. B. A minimum 12 feet of landscaping shall be provided adjacent to Craig Road, west of the existing driveway. Parking stalls fronting the landscaped area next to Craig

Road shall be screened with a minimum 36 inch high decorative screen wall. The screen wall shall be located between the parking spaces and the landscaped area.”

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 2 AMENDED TO READ:

2. THE SITE PLAN SHALL COMPLY WITH THE COMMERCIAL DESIGN STANDARDS WITH THE FOLLOWING MODIFICATIONS:
 - A. FOUNDATION LANDSCAPING OR AN EQUIVALENT DESIGN ELEMENT SHALL BE PROVIDED ALONG THE EASTERN ELEVATION OF THE BUILDING, SUBJECT TO REVIEW AND APPROVAL OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE.
 - B. A MINIMUM 12 FEET OF LANDSCAPING SHALL BE PROVIDED ADJACENT TO CRAIG ROAD, WEST OF THE EXISTING DRIVEWAY. PARKING STALLS FRONTING THE LANDSCAPED AREAS NEXT TO CRAIG ROAD SHALL BE SCREENED WITH A MINIMUM 36 INCH HIGH DECORATIVE SCREEN WALL. THE SCREEN WALL SHALL BE LOCATED BETWEEN THE PARKING SPACES AND THE LANDSCAPED AREA.

MOTION: Commissioner Aston
SECOND: Commissioner Leavitt
AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips
NAYS: None
ABSTAIN: None

2. **SPR-06-11 (43131) RAISING CANE'S. AN APPLICATION SUBMITTED BY JOHN DAVID BURKE ARCHITECTURE ON BEHALF OF CFT DEVELOPMENT, LLC, PROPERTY OWNER FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 35-FOOT HIGH FREESTANDING SIGN WHERE AN 18-FOOT HIGH FREESTANDING SIGN IS THE MAXIMUM HEIGHT ALLOWED; AND A 250 SQUARE FOOT SIGN WHERE 125 SQUARE FOOT IS THE MAXIMUM ALLOWED. THE PROPERTY IS LOCATED AT 2220 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-02-613-021.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to allow one sign that would be 210 square feet where normally 125 square feet would be allowed and the applicant was also requesting the sign be allowed at a height of 35 feet where 18 feet was allowed. The applicant was proposing to remove one of the existing signs and replace it with a large sign that would advertise both Panda Express and Raising Cane's. Staff had no objections to the increased sign area because the applicant was eliminating the number of signs along Craig Road; however, the 35 foot height was normally associated with a directory sign that would be with a larger commercial business that was at least 50,000 square feet or more. Staff believed the height was a little too tall for the center but would support a height of 28 feet. Staff was recommending approval of SPR-06-11 with 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, including, but not limited to, all attached departmental memoranda.
2. That the freestanding sign adjacent to Craig Road for the two convenience food restaurants be allowed to:
 - a. have an overall height of 28.00 feet; and
 - b. have up to 210 square feet of sign area.
3. The total free standing signage for the site shall be limited to one sign, any future development of the site shall use the signage approved with SPR-06-11.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 appeared on behalf of the applicant explaining they were proposing to provide both signs on a single pole, removing the existing Panda Express sign and were in agreement with all of Staff recommendations regarding the 28 foot height.

Scott Sauer, North Las Vegas, NV explained he was opposed to over height signs; however, given the circumstances of the proposed application, he was in support of Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Chairman Trivedi

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

3. **UN-39-11 (43134) CHEYENNE VALLEY GATEWAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LCB LLC SERIES CVG RETAIL, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 4370 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-07-417-004.**

The application was presented by Marc Jordan, Planning Manager who explained the Commission and City Council approved an amendment to the existing PUD that would allow special uses within the C-1 District to be considered and churches were a special use within that district. The applicant was proposing to allow a church in a building that was approximately 12,000 square feet. According to the site plan and the information provided, the sanctuary would seat approximately 400 people. In reviewing the parking requirements, one space per four seats on the maximum occupancy, they would be required to provide 100 parking spaces for the use and the site only had 60 parking spaces; therefore, the occupancy would be limited to 240. If the applicant could obtain a reciprocal parking agreement on the adjacent properties for joint use of parking, they would be able to increase the occupancy. Staff was recommending approval of UN-39-11 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. Occupancy shall be limited to 240 seats in the main sanctuary, unless the applicant provides a copy of a recorded reciprocal parking agreement, in which case occupancy could be increased based on the total number of parking spaces that could be utilized by the church. Said agreement shall be recorded with the Clark County Records Office and copies provided to CNLV Departments of Public Works (Real Property Services) and Community Development (Planning and Zoning) prior to the issuance of a certificate of occupancy.
4. With the exception of office functions, the church shall not operate between the hours of 8:00 a.m. through 6:00 p.m. Monday through Friday.

Richard Gallegos, 3005 West Horizon Ridge Parkway, Henderson, NV appeared on behalf of the applicant indicating he concurred with Staff recommendations, including Condition No. 3, which limited them to 240 seats. He understood increased seating would require a parking study and at that time they would be prepared to do so.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Jay Aston asked Staff if a reciprocal parking agreement was with the other tenants agreeing they could park there, which might be likely on a Sunday, but there might be some businesses open.

Mr. Jordan explained in the Zoning Ordinance churches were allowed to have shared parking with other businesses and there were some criteria they had to follow.

Chairman Trivedi asked the hours of operation.

Mr. Gallegos responded services were on Sundays at 9 and 11 a.m. and also on Wednesday evening at 7 p.m.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

4. UN-40-11 (43138) CALVARY CHAPEL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MICHAEL WELTE ON BEHALF OF VERNALIS ENTERPRISES, INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN EXPANSION TO AN EXISTING CHURCH. THE PROPERTY IS LOCATED AT 2575 EAST CRAIG ROAD, SUITE M. THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-007.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was currently operating out of Suite L and had a use permit approved in 2006 and were asking for approval to expand by approximately 2500 square feet into the adjacent suite. According to the information provided by the applicant, they were reducing their main sanctuary seating from approximately 340 to 264, which would reduce their parking requirements. The center was predominantly commercial in nature, even though it was in an industrial area. Staff had no objection to the expansion and was recommending approval of UN-40-11 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable. The use may occupy Suites "L" and "M", as shown on the submitted floor plan and not more than 6,300 square feet.
3. Occupancy shall be limited to 264 seats in the main sanctuary.
4. A minimum 127 parking spaces shall be provided, unless a reduction in parking is supported by a parking study, reviewed and approved by the City of North Las Vegas Traffic Engineer.
5. With the exception of office functions, the church shall not operate between the hours of 8:00 a.m. through 6:00 p.m. Monday through Friday.

Michael Welte, 100 Persimmon Court, Las Vegas, NV 89145 appeared on the application indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi asked the hours of operation.

Mr. Welte responded services were held on Sundays at 8:30 and 11 a.m.

Chairman Trivedi asked if services were only held on Sunday.

Mr. Welte responded they also had a Wednesday service at 7 p.m. and there was also a service Sunday evening at 6 p.m.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Chairman Trivedi

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

5. UN-42-11 (43147) VEGAS XTREME PAINTBALL FIELD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHRISTOPHER J. ENGLAND ON BEHALF OF JUPITER GOLF COMPANY LAS VEGAS LP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MUD-MX-2, MIXED USE DEVELOPMENT DISTRICT, COMMUNITY CENTER MIXED USE TO ALLOW AN OUTDOOR RECREATION FACILITY. THE PROPERTY IS LOCATED AT 70 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-601-009.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop two outdoor paintball fields approximately 150 feet by 175 feet and would use the main clubhouse as their office for the facility. Staff had no objection to the use and was recommending approval. He pointed out the zoning ordinance was amended to allow these types of uses to be considered in approved MUD Districts that had been developed under a previous zoning district. As part of the approval and as part of the zoning ordinance, they were only able to get approval for one year at a time; therefore, they would need to come back for extensions of time and the idea behind it, was that hopefully, as the economy improved and the landowner was able to move forward with their plans for an MUD district, which was the City's preference, but in the meantime the property owner would be able to have some use of their property. The applicant requested that some of the conditions be amended, which Staff had no objections to. Staff was recommending approval of UN-42-11 subject to the amended conditions shown in Memorandum dated June 8, 2011. The application was required to go to City Council for final consideration. The recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This use permit is site-specific and non-transferrable.
3. Unless otherwise extended by the Planning Commission in accordance with the requirements in Title 17, UN-42-11 shall expire on July 20, 2012.
4. Upon termination or expiration of a business license or special use permit for the paintball facility, the development and use of the site shall revert to comply with Ordinance No. 2382 (ZN-84-06), unless otherwise allowed through another special use permit or process allowed by the City of North Las Vegas.
5. This special use permit is for a paintball facility and its ancillary uses only.
6. Lighting shall be provided / restored for all parking areas offered for use by the public in conjunction with the facility, and all said parking lot lighting shall be operable prior to the issuance of a business license or certificate of occupancy,

whichever is first. A photometric lighting plan shall be submitted with the building permit application packet. This condition shall not apply to those parking areas which are barricaded from use.

7. The two landscape areas/islands directly south of the "Main Clubhouse" and all parking (120 parking spaces) west of the main entrance driveway from Craig Road shall be brought into compliance with current requirements, such as but not limited to landscaping, lighting, striping, and ADA accessibility, except as modified by Conditions Number 6 and 8.
8. Applicable only to existing parking lot landscape areas/islands that are used for the paintball facility: Landscape and irrigation plans shall be provided in conjunction with the Tenant Improvement Plans (i.e., Building Permit Application Packet.) Landscaping shall be enhanced, improved or installed if necessary to provide a minimum 60% ground coverage (not including tree canopies) within two years of planting. One new 24-inch-box tree shall be planted within all parking lot landscape islands in the event the existing trees have been removed or have died.
9. All "playing areas", present and future, shall be fully enclosed by 16-foot-tall poles and appropriate netting with the intent of preventing paintballs from leaving the playing fields.
10. No "playing areas" shall be located closer than 95 yards from the northern property line.
11. Outdoor activities for the paintball facility shall cease between the hours of 10:00 p.m. and 7 a.m. on Sunday through Thursday, and 12 midnight and 7 a.m. on Friday, Saturday, and Holiday weekends.
12. Occupancy at any time cannot exceed four (4) people for each approved parking space.

Bill Curran, Ballard Spahr, 100 City Parkway, Las Vegas, NV appeared on behalf of the applicant and explained the applicant had experience operating paintball facilities in other states and concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Chairman Trivedi asked Staff if any comments had been heard from residents in the area of the proposed site.

Mr. Jordan responded there had been no cards returned either in support or in opposition of the application.

Chairman Trivedi asked the height of the light poles at the back of the property.

Mr. Curran responded he did not know, but guess they may be approximately 30 feet tall.

Chris England, 343 Caneflower Court, North Las Vegas, NV 89031 indicated the light poles were at least 30 feet tall.

Chairman Trivedi indicated he was concerned about light pollution on the neighboring properties or noise being an issue.

Mr. Curran explained the games would take place up by the driving "T" area of where the existing range was located. One of the conditions was that they would not be allowed to be within 95 yards of the trail. In addition, there would be another zone beyond the 95 yards that was not intended for use. On the east and west sides were vacant property. He had not taken pictures, but thought the lights were directional and cast down onto the fields.

Chairman Trivedi asked if there was a first aide station at the facility.

Mr. England responded he had appropriate insurance in place for this type of sport and all players would be required to sign a waiver which was good for one year and any minors would be required to have a waiver signed by their parent.

Chairman Trivedi asked if there would be a first aide station.

Mr. England responded there were multiple first aide stations.

Commissioner Jo Cato asked if there would be an obstacle course.

Mr. England responded there would be an obstacle course.

Mr. Curran pointed out there would be castles and manmade features on the course.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN MEMORANDUM DATED JUNE 8, 2011; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner DePhillips

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

6. **AMP-02-11 (43064) LVP TRUCK YARD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS PAVING CORPORATION ON BEHALF OF LVPC VTIP LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO REMOVE A PORTION OF GOLDFIELD STREET BETWEEN LOGAN AVENUE AND GILMORE AVENUE. A COPY OF THE PROPOSED AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS IS ON FILE WITH THE COMMUNITY DEVELOPMENT DEPARTMENT.**

The application was presented by Marc Jordan, Planning Manager who explained Public Works indicated they had no objections to the application; therefore, Staff was recommending approval of AMP-02-11. One letter was received in opposition to the application.

Crockett Wirthlin of Las Vegas Paving, 3401 North Las Vegas Boulevard, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi asked Mr. Wirthlin if he had seen the letter opposing the application.

Mr. Wirthlin responded he received the letter on Tuesday afternoon, June 7, 2011.

Chairman Trivedi asked if he had comments regarding the letter.

Mr. Wirthlin explained one of the primary objections in the letter was that Las Vegas Paving complete the off-site improvements on North 5th Street, which were already in and there were no off-site improvements to be completed and thought they may be disgruntled about some on-site improvements on North 5th Street. He also pointed out where they were requesting a vacation on Goldfield Street, was not constructed, so there was no traffic that would be diverted onto other streets. He explained the vacation request went along with an improvement on their truck yard and in the process they would improve all of Gilmore Avenue on the south side, 600 feet of Commerce Street and also the north half of Logan Street which would benefit traffic in the area.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Jay Aston asked if on an Amendment to the Master Plan (AMP) and a Vacation (VAC), the conditions would normally be applied to some type of improvements.

Mr. Jordan explained amendments to the Master Plan were not conditioned. The applicant was talking about moving their truck yard to another site, which was undeveloped and judging by the acreage of the area, it would fall into a major site plan review category which would come to the Commission and the improvements would be reviewed at that time.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL
CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

7. **VAC-03-11 (43065) LVP TRUCK YARD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS PAVING CORPORATION ON BEHALF OF LVPC VTIP LLC, PROPERTY OWNER, TO VACATE GOLDFIELD STREET BETWEEN LOGAN AVENUE AND GILMORE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-10-602-001.**

The application was presented by Marc Jordan, Planning Manager who explained this vacation was related to Item No. 6, AMP-02-11 to vacate the portion of Goldfield Street between Logan Avenue and Gilmore Avenue. Staff was recommending approval of VAC-03-11.

Crockett Wirthlin of Las Vegas Paving, 3401 North Las Vegas Boulevard, North Las Vegas, NV 89030 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

8. UN-41-11 (43142) CHEYENNE COMMERCE CENTER II (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OPEN BOX BUY, INC. ON BEHALF OF HARSCH INVESTMENT PROPERTIES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A RETAIL COMMERCIAL USE. THE PROPERTY IS LOCATED AT 730 WEST CHEYENNE AVENUE, SUITE 110. THE ASSESSOR'S PARCEL NUMBER IS 139-10-401-006.

The application was presented by Marc Jordan, Planning Manager who explained the applicant currently sold electronic and consumer hard goods on E-Bay and operated an office and warehouse out of the facility. According to the applicant, some of the local customers had requested to come to the site to view the merchandise, which was retail sales which required a special use permit. The applicant indicated they got approximately 20 to 30 visits per day with approximately two to three customers at any one time. The use was located in an existing industrial complex with approximately 545 parking spaces and Staff did not feel there would be an impact on the center with the retail use. There was a condition limiting retail sales to no more than 15 percent of the floor area of the building in order to keep it as an accessory use to the internet sales. Staff was recommending approval of UN-41-11 subject to 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 ordinance.
2. Retail sales shall not occupy more than 15 percent of the total floor area of the establishment.
3. The applicant shall update their Business License information prior to operating any retail sales.
4. Prior to updating the business license for retail sales, a traffic study update must be submitted to Public Works, Traffic Engineer for review and approval.

Steve Brockman, 173 West Cheyenne #110, North Las Vegas, NV 89030 appeared on the application indicating he was confused about the requirement for a traffic study and asked if it could be waived.

Eric Hawkins of Public Works stated the applicant could apply for a traffic study waiver and explained the original use was industrial and the proposed use was light retail and would increase traffic.

Mr. Brockman asked if that would require using an engineering firm.

Mr. Hawkins responded he would need to use an engineering firm.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner DePhillips

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

9. **VAC-02-11 (43056) ELDORADO RCL NO 24 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RBF CONSULTING ON BEHALF OF PARDEE HOMES, PROPERTY OWNER, TO VACATE THE EXISTING PUBLIC STREETS RIGHT-OF-WAY OF THE ELDORADO R1-60 NO. 16 TM NO. 22 PHASE 1 AND PHASE 2 DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DEER SPRINGS WAY AND GENTLE BROOK STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-21-315-001 THRU 124-21-315-015, 124-21-315-017 THRU 124-21-315-033, 124-21-315-038 THRU 124-21-315-073, 124-21-316-001 THRU 124-21-316-063 AND 124-21-317-001 THRU 124-21-317-005.**

The application was presented by Marc Jordan, Planning Manager who explained on March 9, 2011 a tentative map was approved for the area that essentially would re-subdivide the property into a configuration shown on the approved tentative map and as a result, the street configuration would change; therefore, the applicant was requesting that the existing streets, utility easements, landscaping easements and any other types of easements associated with it be vacated with this application. The request was consistent with the approved tentative map; therefore, Staff was recommending approval of VAC-02-11.

Gia Nguyen, 6725 Via Austi Parkway, Suite 350, Las Vegas, NV 89119 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Aston

AYES: Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and DePhillips

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Development Director Frank Fiori reminded the Commission final action on Ordinance No. 2591, the new Title 17 Zoning Code, was June 15, 2011.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 6:41 p.m.

APPROVED: July 13, 2011

/s/ Dilip Trivedi
Dilip Trivedi, Chairman

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