NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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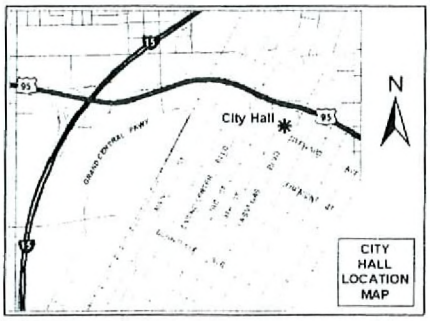
AUG 01 2008
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-28283 & ZON-28281
Planning Commission Meeting of 8/14/2008

RECEIVED
AUG - 8 2008
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: GPA-28283

16204115002
OBOYLE MARY F
1324 ORMSBY ST
LAS VEGAS NV 89102-2411

Submitted after final agenda
Date P Item 12-13

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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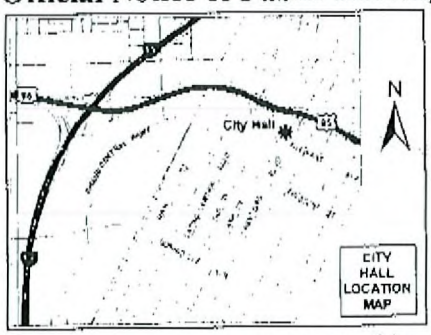

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PLANNING & DEVELOPMENT

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☐ I SUPPORT this Request ☒ I OPPOSE this Request !!

Please use available blank space on card for your comments.

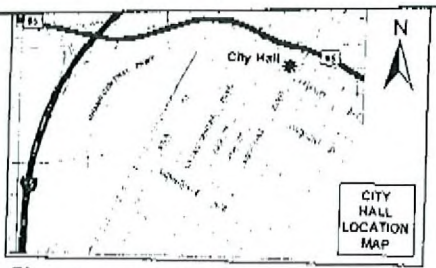
GPA-28283 & ZON-28281

Planning Commission Meeting of 7/10/2008

Case: GPA-28283
16204104007
MORRIS STANFORD 2006 LIVING TR
1241 SHADOW LN
LAS VEGAS NV 89102-2413

MORRIS

DAVDSII 89108



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☐ I SUPPORT this Request ☒ I OPPOSE this Request !!!

Please use available blank space on card for your comments.

SUP-28287 & SDR-28286

Planning Commission Meeting of 7/10/2008

Case: SUP-28287
16204104007
MORRIS STANFORD 2006 LIVING TR
1241 SHADOW LN
LAS VEGAS NV 89102-2413

STANFORD

DAVDSII 89108

#13-16 P

05/29/2008 15:03 7023888859 JAMES_STANFORD PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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Official Notice of Public Hearing

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GPA-28283 & ZON-28281

Planning Commission Meeting of 7/10/2008

RECEIVED
JUL - 2 2008
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case GPA-28283

15204210054
ARLT FAMILY TRUST
1721 BANN E AVE
LAS VEGAS NV 89102-2452

#13-14

Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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JUL - 2 2008
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PLANNING & DEVELOPMENT

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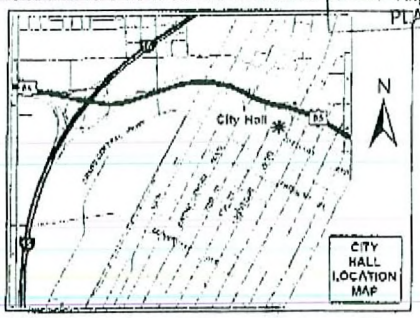
Return Service Requested
Official Notice of Public Hearing



Vehemently oppose!
This property must remain Residential zoned!!

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request
☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-28283 & ZON-28281
Planning Commission Meeting of 7/10/2008

Case: GPA-28283
16204512014
MARSHALL VAL JEAN
1321 CHARMAST LN
LAS VEGAS NV 89102-2405

Submitted after final agenda
Date
Item 13-14

P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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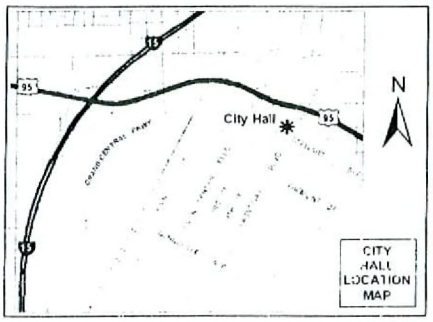
Return Service Requested
Official Notice of Public Hearing



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JUL - 2008
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-28283 & ZON-28281
Planning Commission Meeting of 7/10/2008

Case: GPA-28283
16204210082
SU LISA 2005 REVOCABLE TRUST
2100 WALDMAN AVE
LAS VEGAS NV 89102-2432

DAVDS11 A310Z

Submitted after final agenda
Date
Item 13-14

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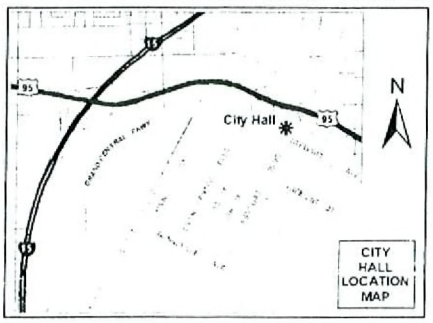
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-28283 & ZON-28281
Planning Commission Meeting of 7/10/2008

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JUL - 2008
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: GPA-28283
16204210082
SU LISA 2005 REVOCABLE TRUST
2100 WALDMAN AVE
LAS VEGAS NV 89102-2432

DAVIS11 89102

Submitted after final agenda
Date
Item 13-14

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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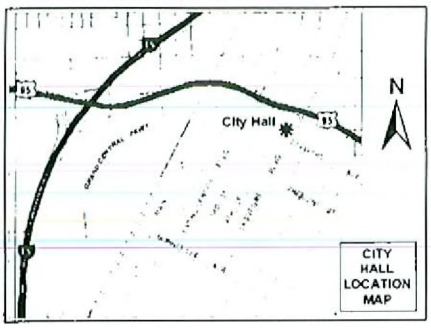

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JUL - 7 2008
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-28283 & ZON-28281
Planning Commission Meeting of 7/10/2008

Case: GPA-28283
16204210058
PARKER E FAMILY TRUST
1800 SILVER AVE
LAS VEGAS NV 89102-2436

DAVIS11 8910B

Submitted after final agenda
Date
Item 13-14

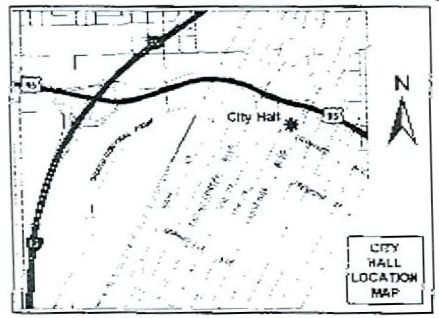
P

07/06/2008 20:45 7023888859 JAMES_STANFORD PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-28283 & ZON-28281

Planning Commission Meeting of 8/14/2008

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: GPA-28283
16204104007
MORRIS STANFORD 2006 LIVING TR
1241 SHADOW LN
LAS VEGAS NV 89102-2413

FAU0511 8510B

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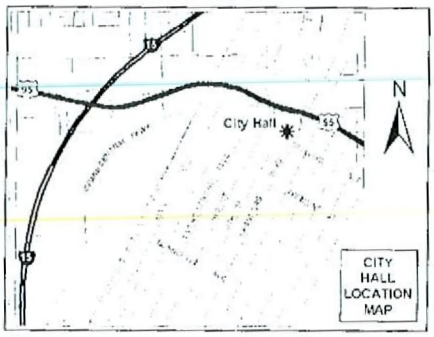
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-28283 & ZON-28281
Planning Commission Meeting of 8/14/2008

RECEIVED
AUG - 5 2008
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: GPA-28283

16204210022
CHERNEY CRAIG P
1720 BANNIE AVE
LAS VEGAS NV 89102-2453

FAVOS11 29102

#12-13
S

1404 MARTIN LUTHER KING BOULEVARD

(West side of Martin Luther King
South of Charleston Boulevard
Across from the entrance ramp to the I-15)

APN-162-04-601-001 and 162-04-601-002

ADDITIONAL CONDITIONS OF APPROVAL

1. Parking lighting shall be shielded downward.
2. Parking lighting shall be the minimum height permitted by the City Code
3. If building lighting is required for safety purposes it shall be shielded downward.
4. Street signage shall be monument signage only.
5. The business hours of operation shall be limited to 6:00 AM to 7:00 PM on Monday through Friday and 7:00 AM to 2:00 PM on Saturday.
6. If permitted by the City Code and applicable government agencies, a gate shall be installed and closed outside of the business hours of operation.
7. No building on the property shall exceed 28 feet in height.
8. All work on the property shall be done within an enclosed building with the doors to the building closed
9. Any security system for the subject property shall include remote monitoring and response personnel.
10. There shall be no outside storage on the property.
11. Any change in the use of the property shall require a site development review as a public hearing.
12. There shall be no access to the Property from Waldman and Ormsby.
13. On the northwest corner of the Property an 8 foot decorative wall and landscaping along the wall with a sitting area and bench shall be maintained at all times by the current owner of the Property.
14. Any satellite dish on the Property shall be screened so it is not visible from the residential property in the area.

Submitted at Planning Commission

Date 8/28/08 Item: 14-17

15. The building shall be located no closer than 65 feet from the northwest property line of the Property.

16. The building shall be located no closer than 100 feet from the west property line of the Property.

17. The building shall be located no closer than 65 feet from the north property line of the Property.

18. The trash enclosure shall be located no closer than 50 feet from the west property line of the Property and no closer than 50 feet from the north property line of the Property.

WHEN RECORDED RETURN TO:

Kummer Kaempfer Bonner Renshaw & Ferrario
3800 Howard Hughes Pkwy., 7th Floor
Las Vegas, Nevada 89169
Attn: Liz Sozokac

APN: 162-04-601-001
162-04-601-002

(Space Above for Recorder's Use Only)

DEED RESTRICTION ON USE

THIS DEED RESTRICTION ON USE ("Deed Restriction") is made this ____ day of _____, 2008 by Darrell E. Jackson ("Jackson"), Thomas M. Strawn, Jr. ("Strawn") and Andrew S. Levy ("Levy"). Jackson, Strawn and Levy are hereinafter referred to as "Owner".

RECITALS

A. WHEREAS, Jackson, Strawn and Levy are the owners as tenants in common of certain real property located in the City of Las Vegas, Nevada commonly known as Assessor's Parcel Numbers 162-04-601-001 and 162-04-601-002 and further described in Exhibit A attached hereto ("Property").

B. WHEREAS, to ensure future development of the Property is compatible with the surrounding area and for the benefit of the association of neighboring homeowners known as the Scotch Eighty Organization, Inc., a Nevada non-profit organization ("Scotch Eighty"), Owner desires to restrict the use of the Property as set forth in this Deed Restriction. Scotch Eighty and any successor organizations are hereinafter referred to as the "Association".

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. **Declaration**. Until termination of this Deed Restriction, the Property shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied and improved subject to the provisions of this Deed Restriction, which shall run with the land and shall be binding upon all persons having, or who acquire any right, title, or interest in and to all or any portion of the Property.

Submitted at Planning Commission
Date 8/28/08 Item: 14-17

2. **Restriction on Use**. Until any amendment, modification or termination of this Deed Restriction, Owner covenants and declares that the Property shall not be used for any of the following:

(a) Gaming
(b) Liquor, Beer and Wine Sales or On Premises Consumption
(c) Hotel, Motel or Hotel Suites
(d) Restaurants
(e) Retail Sales
(f) Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse
(g) Sex Offender Counseling Facility
(h) Adult Day Care
(i) Amphitheater
(j) Animal Hospital , Clinic or Shelter
(k) Astrologer, Hypnotist, or Psychic Art and Science
(l) Auto Title Loans, Check Cashing Services, Pawn Shop
(m) Auto Uses, specifically Auto Broker; Auto Dealer Inventory Storage; Auto Repair Garage, Minor; Auto Smog Check; Automobile Rental; Automobile Repossession Agency
(n) Bailbond Service
(o) Banquet Facility
(p) Billboard
(q) Billiard Parlor and Pool Hall
(r) Car Wash
(s) Catering Service
(t) Child Care Center
(u) Church/House of Worship
(v) Clinic
(w) College, University, or Seminary
(x) Commercial Recreation/Amusement (indoor)
(y) Community Recreational Facility (Public)
(z) Country Club (Private)
(aa) Daily Labor Service
(bb) Dental Office or Dental Laboratory
(cc) Dry Cleaners
(dd) Electric Utility Substation
(ee) Emergency Ambulance Services, Ground
(ff) Employment Agency
(gg) Escort Bureau
(hh) Financial Institution
(ii) General Personal Services
(jj) Garden Supply/Plant Nursery
(kk) Golf Driving Range
(ll) Government Facility
(mm) Health Club

(nn) Helipad
(oo) Horse Corral or Stable (Commercial)
(pp) Hospice
(qq) Hospital
(rr) Keep of Carrier or Racing Pigeons
(ss) Laundry, Self-Service
(tt) Library, Art Gallery or Museum (Public)
(uu) Liquefied Petroleum Gas Installation
(vv) Massage
(ww) Medical Office or Medical Laboratory
(xx) Mini-Storage Facility
(yy) Monorail
(zz) Mortuary or Funeral Chapel
(aaa) Mounted Antennae
(bbb) Open Air Vending/Transient Sales Lot
(ccc) Outcall Entertainment Referral Service
(ddd) Outdoor Storage
(eee) Parking Commercial
(fff) Pet Boarding
(ggg) Pet Shop
(hhh) Post Office
(iii) Private Club, Lodge, or Fraternal Organization
(jjj) Psychology Practice
(kkk) Public Park or Playground
(lll) Radio Broadcast
(mmm) Radio, TV or Microwave Communication Tower
(nnn) Recreational Vehicle and Boat Storage
(ooo) Secondhand Dealer
(ppp) Service Station
(qqq) Slaughtering and Processing of Live Poultry
(rrr) Swap Meet
(sss) Teen Dance Center
(ttt) Temporary Contractor's Construction Yard
(uuu) Temporary Outdoor Commercial Event
(vvv) Tennis Courts, Accessory
(www) Trade School
(xxx) Trailer/RV Camp or Park
(yyy) Utility Transmission Lines
(zzz) Valet Parking
(aaaa) Wedding Chapel
(bbbb) Wireless Communication Facility

3. **Additional Restrictions on Use.** Until any amendment, modification or termination of this Deed Restriction, Owner covenants and declares that the development of the Property shall adhere to the following restrictions.

(a) There shall be no access to the Property from Waldman and Ormsby.

(b) On the northwest corner of the Property an 8 foot decorative wall and landscaping along the wall with a sitting area and bench shall be maintained at all times by the current owner of the Property.

(c) Any satellite dish on the Property shall be screened so it is not visible from the residential property in the area.

(d) The building shall be located no closer than 65 feet from the northwest property line of the Property.

(e) The building shall be located no closer than 100 feet from the west property line of the Property.

(f) The building shall be located no closer than 65 feet from the north property line of the Property.

(g) The trash enclosure shall be located no closer than 50 feet from the west property line of the Property and no closer than 50 feet from the north property line of the Property.

4. **Permitted Uses**. Except as specifically set forth in Sections 2 and 3 above, this Deed Restriction shall not limit or restrict the use of the Property for any other use allowed by law.

5. **Amendment; Termination**. Owner may not amend, modify, or terminate this Deed Restriction, in whole or in part, without the approval of the Association. Any such amendment, modification, or termination shall be deemed approved by the Association upon the consent of a majority of the members of the Association voting on such amendment, modification, or termination. If and at such time the Association should cease to exist, this Deed Restriction may be terminated by the Owner of the Property and their successors and assigns through the recordation of a document terminating it.

6. **Governing Law**. This Deed Restriction shall be governed by the laws of the State of Nevada.

7. **Attorney's Fees**. Should it be necessary for the Association to file any civil action to enforce the terms and conditions of this Deed Restriction, the Association shall be entitled to recover from the Owner, and the Owner shall pay to the Association, all of their attorney's fees and costs incurred in the filing of such action.

8. **No Third Party Beneficiaries**. This Deed Restriction is not intended, and shall not be deemed or construed, to confer any rights, powers or privileges on any person or entity other than Owner or the Association and their permitted successors and assigns.

9. **Counterparts**. This Deed Restriction may be executed in counterparts and that a facsimile copy of a party's signature will be treated as an original signature.

(SIGNATURES ON THE FOLLOWING PAGES)

IN WITNESS WHEREOF, Owner has executed this Deed Restriction as of the date first set forth above.

"OWNER"

"JACKSON"

Darrell E. Jackson

"STRAWN"

Thomas M. Strawn, Jr.

"LEVY"

Andrew S. Levy

STATE OF NEVADA
COUNTY OF CLARK } ss.

This instrument was acknowledged before me on _____ by Darrell E. Jackson.

_____
NOTARY PUBLIC

STATE OF NEVADA
COUNTY OF CLARK } ss.

This instrument was acknowledged before me on _____ by Thomas M. Strawn, Jr.

_____
NOTARY PUBLIC

STATE OF NEVADA
COUNTY OF CLARK } ss.

This instrument was acknowledged before me on _____ by Andrew S. Levy.

_____
NOTARY PUBLIC

EXHIBIT A

THE PROPERTY

Scotch Eighties Home Owners Association

Thursday, August 28, 2008

RE: Opposition to Case Numbers: ZON-28281, GPA-28283, SDR-28286, SUP-28287
APN-162-04-601-001 and 162-04-601-002
West Side of Martin L. King Blvd. between Charleston and Oakey--

Dear Las Vegas Planning Commissioners,

The Scotch 80's Home Owners Association continues to go on record and oppose the General Plan Amendment and related zoning and use applications before you that will be heard at your Thursday August 28th meeting.

Please note from your records that we submitted to the Planning Commission a letter from the Association on October 8, 2007 also registering our opposition.

Our reasoning is such:

1) The applications, if approved, removes a single family home site from the neighborhood. The Association has been historically on record against the removal of any single family home within its neighborhood.
2) The zoning will initiate additional transitional zoning requests of a similar nature along Martin Luther King Blvd. which will further impact on the surrounding neighborhood.
3) The neighborhood is actually adding single family neighborhood homes to vacant lots, including one at the corner of Oakey and Martin Luther King Blvd. which offsets any argument that the neighborhood along Martin L. King Blvd. is transitional to commercial.
4) Immediate homes adjacent to the applicant are not representative of the neighborhood consensus as they are either: (a) in foreclosure; (b) absentee ownership; and (c) non-responsive elderly.
5) If approved there can be no guarantee that the current ownership will remain the same and maintain the proposed covenants. Any commercial usage will be in contrast to the single family nature of the neighborhood.

Discussion:

A. The Planning Board and Staff needs to view the entire Martin Luther King corridor to realize that the buffer between commercial and single family home owners is in fact I-15 and not Martin Luther King Blvd. Recent purchases of land along Martin Luther King Blvd. were made solely for economic speculation of buying cheaper and re-zoning to higher values, including a future real estate play for imminent domain, if and when any highway expansion forces Martin Luther King to become an arterial.

Submitted at Planning Commission
Date 8/28/08 Item 14-17

B. The Scotch 80's neighborhood sphere of influence is the borders of Oakey, Rancho, Charleston, and Martin Luther King Blvd. The Home Owners Association and home owners within these boundaries have consistently in public hearings taken positions against loss of single family homes. The most memorable example was zoning issues at the NE corner of Oakey and Rancho where the applicant was denied a zoning request to business commercial. This denied re-zoning is similar in scope to the application before you.

C. The Association is in partial sympathy with the current owner of the applicant and believes the applicant was misled by the Realtor (and their signage) and previous land owner in that a zoning change would be easily allowed. Although the Applicant has gone out of his way to 'comfort' various neighborhood concerns on a variety of issues, the application has to be seen in the totality of the neighborhood and small incidents of impact mitigation should not over-rule the zoning changes influences where commercialization edges into a residential neighborhood.

D. As example, any change to land use of the applicant will be evidence for the land owner on the other (south) side of the Fire Station, who anticipation of such zoning change, has torn down a single family home without input from the neighborhood. This property as former single family residence also allows access directly into the neighborhood. To grant the application before you by default allows the secondary applicant to plead the same circumstances.

E. The current owner, and Applicant, is stating that the property (along Martin Luther King) is only good for limited commercial usage. However, we point out, that a quality single family house could be built with entrance off Waldman and plenty of buffer back yard to be created to separate the house from traffic noise along Martin Luther King.

F. The use of the property is for construction offices and other unknown tenants. As a neighborhood we are concerned, regardless of the limitations offered by the Applicant on property usage, that violations or activities not now documented could cause noise and activities beyond the expected comfort of neighbors.

G. The Association in its discussions with the Applicant has constantly asked them to provide a position by the immediate neighbors, especially a Mr. J. Lewis who immediately adjoins the proposed commercial project. We do not believe they have secured any such support to date, and if even so obtained, would not change our position as to the neighborhood-wide impact.

With these concerns, and others, we have no other choice but to continue to voice our opposition to this rezoning of a single-family lot.

Respectfully submitted,

Stephen Grogan, President
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